

ing one million dollars for the enlargement and develop-^{loan for}ment of its water-works, and for the construction of re-^{water-works.}servoirs and filtering basins. This power is over and above the borrowing powers which the city has already for this purpose.

Any loans made under this article shall not form part of Special the funded debt of the city, and the by-law authorizing^{provisions} them shall not be subject to the approval of the real estate^{for such} proprietors.^{loans.}

28. If Schedule A of the act 11 George V, chapter 112, Alteration^{in the} conditionally adopted at the present session of the Legisla-^{numbering}ture, be put into force as the result of the vote of the^{of certain} electors of the city of Montreal upon the referendum to be^{articles in} held on the third Monday of May, 1921, the numbers of^{case.} the following articles and paragraph of the act 62 Victoria, chapter 58, as enacted or amended by sections 1, 2, 4, 5, 6 and 7 of this act, to wit: "300, paragraph 121; 364; 421; 450; 452 and 477" shall be replaced respectively by the following articles and paragraph of the said Schedule A, to wit: "335, paragraph 129; 442; 533; 548; 551 and 602.

29. The provisions of this act shall form part of the^{Provisions} charter of the city of Montreal counting from its sanction,^{of this} and shall prevail against any provisions to the contrary^{act to} in schedule A or schedule B of the act 11 George V, chapter^{prevail.} 112.

30. This act shall come into force on the day of its^{Coming} sanction.^{into force.}

CHAP. 112

An Act respecting the charter of the city of Montreal

[Assented to, 19th of March, 1921]

WHEREAS a difference of opinion exists among the^{Preamble.} citizens of Montreal as to the system of Government which should be given to the said city;

Whereas two different systems have been proposed; and it is expedient to allow the said citizens of Montreal to express their opinion by submitting for their choice, by way of referendum, such two systems;

Therefore His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Questions
to be sub-
mitted to
electors.

1. The clerk of the city of Montreal shall, on the third Monday of the month of May, 1921, or, if that day be a non-juridical day, then on the next following juridical day, submit to the municipal electors of the said city, having the right to vote at the election of the mayor, in the manner provided by the city charter and its various amendments, the following questions:

"1. Are you in favour of the government of the city by a council of fifteen councillors elected in three electoral districts, five for each electoral district, for four years, under the system of proportional representation, the mayor being elected by the council, and a manager having charge of the administration, under the control of the absolute majority of the council?"

"2. Are you in favour of the government of the city by a council of thirty-five aldermen elected for thirty-five wards, for two years, and a mayor elected by the people for the same term, with an executive committee of five aldermen and a director of departments appointed by the council?"

The elector shall answer by marking a cross on his ballot opposite the question which he wishes to answer in the affirmative.

Effect
of vote.

2. If the majority of the votes given be in favor of the first question, schedule A to this act shall take effect.

If the majority of the votes given be in favor of the second question, schedule B to this act shall take effect.

Hours
for polling.

3. The poll for such referendum shall remain open from seven o'clock in the morning until ten o'clock in the evening.

Expenses of
referendum.

4. The city treasurer shall, at the request of the clerk, pay all the expenses incurred for or necessitated by such referendum.

Provisions
to apply.

5. The provisions of articles 311 to 331 inclusive, of the city charter, shall apply to such referendum *mutatis mutandis*, save that in case of a tie vote, the clerk shall give a casting-vote. Save also that the city Clerk shall determine the number of polling-subdivisions, which shall be not less than one hundred for the city, and shall divide the electors among them as equally as possible.

The polls shall be held as far as possible in public buildings; there may be several in the same building, and they may be outside the polling-subdivision, provided they be not far away.

The electoral list in force at the time of the sanction of this act shall serve for the referendum. Electoral list.

6. The city clerk, after making the final addition of the votes, and after the expiration of the delay for demanding a recount, or after judgment on the recount, if there have been one, shall report the result of the vote to the Provincial Secretary. Result to be reported to Prov. Secretary.

7. On receipt of the report mentioned in section 6, the Lieutenant-Governor shall publish, in the *Quebec Official Gazette*, a proclamation, declaring, if the majority of the electors who have voted have pronounced in favour of question No. 1, that the draft charter herewith reproduced as Schedule A, is adopted as being the charter of the city of Montreal; or, if the majority of the electors who have voted have pronounced in favor of question No. 2, that the present charter of the city of Montreal shall be amended according to the provisions of Schedule B. Proclamation by Lt. Gov. in C.

8. Such proclamation shall fix the date at which, subject to the provisions of article 739 of Schedule A, or of article 39 of Schedule B, as the case may be, the schedule adopted shall come into force, and, thereupon, such schedule shall, as the case may be, be or form part of the charter of the city of Montreal. Date of coming into force of schedule to be fixed.

9. The professional and other services rendered and the disbursements incurred in the preparation of this act as well as the professional services rendered before the committees of this Legislature and the disbursements of the lawyers who prepared it, shall be paid by the city of Montreal. Costs of this act.

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

SCHEDULE A

CHARTER OF THE CITY OF MONTREAL, 1921

SECTION I

Interpretative Provisions

1. 1. Whenever the following words occur in this act, they shall, unless the context otherwise requires, be understood as follows: Interpretation of:

a. The word "council" shall mean the council of the city of Montreal; "Council";

"City";
"Corporation";
"Mayor",
etc;

b. The word "city" and the word "corporation" shall mean the city of Montreal;

"General manager",
etc;

c. The word "mayor" shall mean the mayor in office or the acting-mayor of the city of Montreal, and the word "councillors" shall mean the councillors of the said city:

d. The words "general manager", "manager", "city clerk", "city treasurer", "city comptroller", or "city comptroller or auditor of the city", "city surveyor", or "city building inspector", or "chairman of the board of assessors of the city", shall mean the general manager, clerk, treasurer, comptroller, comptroller or auditor, the surveyor, the building inspector of the city of Montreal and the chairman of the board of assessors or their assistants, or any persons duly authorized to replace them;

"Clerk of recorder's Court";

e. The words "clerk of the recorder's court" shall mean the clerk of the recorder's court of the city of Montreal, or his assistants, or any persons duly authorized to replace him;

"Recorder's Court";

f. The words "recorder's court" shall mean the recorder's court of the city of Montreal, whether composed of one or more recorders, and the words "recorder" or "recorders" shall mean the recorder or recorders of the city of Montreal;

"Ratepayer";

g. The word "ratepayer" shall mean any person liable to the payment to the city of any assessment or tax, including water-rates;

"Proprietor";

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

"Occupant";

i. The word "occupant" shall mean 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 immovable;

"Tenant";

j. The word "tenant" shall mean any person who is bound to pay rent in money or to give part of the fruits and revenues of the immovable which he occupies. A tenant must be a resident householder, saving the case of the lessee of a store, shop, office, warehouse, factory or place of business;

"Real estate tax," etc;
"Tax";

k. The words "real estate tax," "assessment" or "apportionment" shall mean any tax on immovable property;

l. The word "tax" shall mean the personal rate or license fee levied upon any trade, business, profession or occupation whatsoever. It shall also mean, when used in a general way, any personal or real estate tax;

m. The word "water-rates" shall designate the price "Water-rates"; or value of water supplied by the city, as fixed under the provisions of this act or of any by-law passed in virtue thereof;

n. The words "Superior Court" mean the Superior "Superior Court" sitting in and for the district of Montreal;

o. The words "list of electors" shall mean the muni- "List of electors"; cipal list of electors;

p. The words "lane" or "alley" shall include all "Lane"; lanes which are not enclosed at both ends from public "alley"; access or view;

q. The words "private streets" or "private lanes" shall "Private streets-"; include the private streets and lanes, open or not to the "private public, and shall also include the streets or lanes projected lanes". on a plan of the cadastre or on the general plan of the city."

2. Every reference to an article, without any indication References to articles without indication. of the act of which such article forms part, is deemed to be a reference to an article of this charter.

2. The above clauses apply equally to the interpreta- Application of preceding article. tion of any by-law of the city and to the provisions of this charter.

The provisions of section fifth of chapter second of the Application of certain articles preliminary title of the Revised Statutes, 1909, containing certain declaratory and interpretative provisions, shall of R. S. apply to this charter, except in so far as the same may be inconsistent therewith.

3. This act shall be cited as the "Charter of the City Name of act. of Montreal, 1921".

SECTION II

INCORPORATION

4. The inhabitants and the ratepayers of the city of Persons Montreal, and their successors, shall continue to be a incorporat- municipal corporation known and described by and under ed. the name of "The City of Montreal," and as such shall have perpetual succession, and a corporate seal, with all the Name powers of legislation, control and administration commonly and possessed by municipal corporations, and in addition there- general powers. to all powers granted to the said city by law and by the provisions of this charter.

The city of Montreal shall moreover have power to Power accept, take, purchase, and hold goods and chattels, lands to hold and tenements, moveables and immoveables, and to grant, property.

sell, alienate, assign, and convey the same; and to grant and accept bonds, or other instruments or securities, as payment, or security for the payment, of any money due by or to the city of Montreal; and to use and put in operation all other powers that may be necessary for the just and the proper fulfilment and the performance of its obligations and functions.

SECTION III

BOUNDARIES AND JURISDICTION OF THE CITY

Limits of
the city of
Montreal.

5. The territory of the City of Montreal preserves the same limits which it possessed at the coming into force of this charter, and for greater certainty, but without restricting the generality of the foregoing provision, it is hereby declared that it is bounded as follows:

FIRST,

On the southwest by a line commencing at a point,—marked “A” on the plan prepared by the chief draftsman, countersigned by the engineer in charge of surveys and designs and the director of public works of the city, under date of December 20th, 1920, and deposited in the archives of the city,—in the River St. Lawrence, on the boundary of the city of Verdun, at about 1750 feet south-east of Wellington street, and running north-westerly through lot official number 3261 of the parish of Montreal, parallel to and at a distance of 298 feet from the south-west limit of the said lot number 3261 to the centre of Wellington street; thence, towards the north-east, along the centre of said street, a distance of 58 feet, to the prolongation of the south-west limit of the tail-race; thence towards the north-west, along the said limit to the south-west side of the settling-basin of the Montreal waterworks; thence towards the north along the said last mentioned side to the north-west side of the said settling basin; thence towards the south-west, along the said north-west side of the said settling-basin, a distance of about 120 feet; thence towards the north-west, along a line perpendicular to the said north-west side of the said settling-basin, to the south-eastern limit of lot number 3410 of the parish of Montreal; thence towards the south-west along the north-west boundary of the Montreal waterworks, the said boundary being the line which divides lot cadastral number 4692 of the parish of Montreal, from lots cadastral numbers 3410, 3409, and 3408, and from the east line of Aqueduct street. (which bears no cadastral number) cadastral numbers 4669,

4670, 4671, 4672, 4674, 4679, 4680, 3912, 4684, 4685, 4686, and 4687; thence in a westerly direction, along the limit line between lots cadastral Nos. 4687, of the parish of Montreal, and lots cadastral Nos. 1024 and 1002 of the parish of Lachine; this limit line being the northern limit of the town of Lasalle; thence in an easterly direction, following the limit line between lot cadastral No. 4687 of the parish of Montreal, and lots cadastral Nos. 1008, 1009, 1010, 1011, and 1013 of the parish of Lachine; thence in an easterly and north-easterly direction, as far as the limit line between lots cadastral Nos. 4684 and 3608 of the parish of Montreal, this said limit being bounded by lots cadastral Nos. 1014, 1015, 1017, 1018 and 1019 of the parish of Lachine, and lots cadastral Nos. 4686, 4685 and 4684 of the parish of Montreal; thence in a northerly direction along the line dividing the cadastral divisions of the parishes of Montreal and Lachine, this said dividing line being bounded to the north-west by lots cadastral Nos. 1019, 1021, and 1022 of the parish of Lachine, and to the south-east by Lots Nos. 3608 and 3607 of the parish of Montreal; thence in a westerly direction along the line dividing No. 1022 of the parish of Lachine, and No. 3607 of the parish of Montreal, as far as the centre of the Lachine Canal; thence following the centre of the Lachine Canal, in a south-westerly direction, as far as the prolongation in a straight line of the line dividing lots Nos. 140 and 141 of the parish of Montreal, across the Little River St. Pierre and lot No. 1005 of the Parish of Lachine, this said line being the north-east boundary of the town of Montreal-West; thence in a north-westerly direction, along the said boundary between lots Nos. 140 and 141 of the parish of Montreal, as far as the centre of the creek dividing lots Nos. 141 from lots Nos. 106, 103 and 102 of the parish of Montreal, thence following said creek as far as S. W. limit of No. 142; thence north-west to the centre of Cote St. Luc road; (thence following the centre of Côte St. Luc road, as far as the prolongation in a straight line of the line dividing Nos. 142 and 143 of the parish of Montreal; thence in a south-easterly direction, as far as the south-east side line of Côte St. Luc road; thence in a north-easterly direction, following the said south-east side line of Côte St. Luc road, as far as the line dividing Nos. 148 and 149 of the parish of Montreal; thence in a north-westerly direction, in the prolongation of the said dividing line between Nos. 148 and 149 of the parish of Montreal, as far as the centre of Côte St. Luc road, thence in a north-easterly direction, along the said centre line of Côte St. Luc road, as far as the prolongation in a straight line of the line dividing Nos. 152 and 152A of the parish of Montreal; thence

in a south-easterly direction, as far as the south-east side line of Côte St. Luc road; thence in a north-easterly direction, following the said south-east side line of Côte St. Luc road as far as the line dividing Nos. 154 and 155 of the parish of Montreal; thence in a north-westerly direction, in the prolongation of the said dividing line between Nos. 154 and 155 of the Parish of Montreal, as far as the centre of Côte St. Luc road; thence in a north-easterly direction, along the said centre line of Côte St. Luc road as far as the prolongation in a straight line of the line dividing Nos. 155 and 164 of the parish of Montreal; thence in a south-easterly direction, as far as the south-east side line of Côte St. Luc road; thence in a north-easterly direction, following the said south-east side line of Côte St. Luc road, as far as the line dividing Nos. 164 and 168 of the Parish of Montreal; thence in a north-westerly direction, in the prolongation of the said dividing line between Nos. 164 and 168 of the Parish of Montreal, as far as the centre of Côte St. Luc road; thence in a north-easterly direction, following the centre of the said Côte St. Luc road, as far as the prolongation in a straight line of the line dividing Nos. 169 and 71 of the parish of Montreal; thence in a south-easterly direction, as far as the south-east side line of Côte St. Luc road; thence in a north-easterly direction, following the said south-east side line of Côte St. Luc road, as far as the line dividing Nos. 70 and 175 of the parish of Montreal; thence in a northwesterly direction, in the prolongation in a straight line of the said dividing line between Nos. 70 and 175 of the parish of Montreal, as far as the centre of Côte St. Luc road; thence in a north-easterly direction, along the centre of the said Côte St. Luc road as far as the centre of Dufferin street; thence in a north-westerly direction, as far as the centre of Aumont street; thence in a north-easterly direction, following the centre of Aumont street, as far as the centre of Macdonald street; thence in a north-westerly direction following the centre of the said Macdonald street as far as the line dividing lots Nos. 68 and 45 of the parish of Montreal; thence in a north-easterly direction, following the line dividing Nos. 68, 65, 51, 50 and 46, parish of Montreal, from lot No. 45 parish of Montreal, as far as north-east limit of No. 45 parish of Montreal; thence in a north-westerly direction, as far as the junction between lots Nos. 45 of the parish of Montreal and No. 111 of the incorporated village of Côte des Neiges; thence in a south-westerly direction following the limit line between Nos. 45 and 73 of the parish of Montreal and No. 99 of the incorporated village of Côte des Neiges, as far as the junction of Nos. 99 of Côte des Neiges, and 75 of the parish of Montreal; thence in a north-westerly direction, follow-

ing the line between the cadastral divisions of the parish of Montreal and the incorporated village of Cote des Neiges; the said line being bounded to the north-east by lots Nos. 99, 99A, 98, 97, 96, and 95 of the incorporated village of Côte des Neiges, and to the south-west by lot No. 75 of the parish of Montreal; thence in a north-easterly direction, along the line dividing the cadastral divisions of the parish of St. Laurent, and the incorporated village of Côte des Neiges, as far as the south-west limit of the north-westerly part of lot No. 95 of the incorporated village of Côte des Neiges; this line being bounded to the North-west by lots. Nos. 577, 578, 579 and 580 of the parish of St. Laurent, and to the south-east by No. 95 of the incorporated village of Côte des Neiges; thence in a north-westerly direction, as far as the junction between lot No. 580 of the parish of St. Laurent and lot No. 95 of the incorporated village of Côte des Neiges; thence in an easterly, northerly, and north-easterly direction, following the line between the cadastral divisions of Côte des Neiges and parish of St. Laurent, as far as the junction between lot No. 93 of the incorporated village of Côte des Neiges and lot No. 583 of the parish of St. Laurent, this line being bounded on the N. W. by Nos. 581 and 582 of the parish of St. Laurent, and on the S. E. side by Nos. 95, 96 and 93 of the incorporated village of Côte des Neiges; thence in a south-easterly direction, following the line between lot No. 93 of Côte des Neiges and 583 of the parish of St. Laurent, as far as the centre of St. Pascal street; thence in a north-easterly direction, along the centre of the said St. Pascal street, and extending in a straight line across Côte des Neiges road, as far as the line dividing No. 616, of the parish of St. Laurent, and No. 92 of Côte des Neiges; thence in a north-westerly direction, following the line dividing the cadastral divisions of the incorporated village of Côte des Neiges and parish of St. Laurent, as far as the N. W. junction between lot No. 616 of the parish of St. Laurent, and lots Nos. 91 and 90 of the incorporated village of Côte des Neiges; thence in a north-easterly direction, following the cadastral divisions of the incorporated village of Cote des Neiges, and the parish of St. Laurent, as far as the line dividing lot No. 70A of the incorporated village of Côte des Neiges, from lot No. 623 of the parish of St. Laurent; this said line being bounded by lots Nos. 91, 82 and 70A of Côte des Neiges on the S. E. side; and by lots Nos. 616, 617, 618, 619, 620, 621, 622, and 623 of the parish of St. Laurent, on the N.W. side; thence, in a south-easterly and north-easterly direction along the limit line between lot cadastral No. 70A of the incorporated village of Côte des Neiges, and No. 623 of the parish of St. Laurent,

as far as the limit line between No. 44 of the parish of Montreal and No. 70A of the incorporated village of Côte des Neiges; thence in a south-easterly direction, along the said dividing line between Nos. 70A, 70, 69, 63 and 58 of the incorporated village of Côte des Neiges, and lot No. 44 of the parish of Montreal, being the south-west limit of the city of Outremont; thence in a south-westerly direction, along the limit between lots Nos. 55, 56 and 57 of the incorporated village of Côte des Neiges and lot No. 58 of the incorporated village of Côte des Neiges (the limit of the city of Outremont) as far as the line dividing lots Nos. 55 and 54 of the incorporated village of Côte des Neiges; thence in a south-easterly direction as far as the centre of Côte St. Catherine road (the limit of the city of Outremont) thence following the centre of the said Côte St. Catherine road, in a south-westerly direction, as far as the prolongation in a straight line of the limit line between lots Nos. 38 and 39 of the incorporated village of Côte des Neiges (the limit of the city of Outremont), thence in a south-westerly direction along the said dividing line, as far as the limit between lots Nos. 38 and 30 of the incorporated village of Côte des Neiges (limit of the city of Outremont); thence in a south-westerly direction, following the line dividing Nos. 30 and 39 of the incorporated village of Côte des Neiges, as far as the north-east limit of No. 29 of the incorporated village of Côte des Neiges; thence in a south-easterly direction, along the line dividing No. 30 of the incorporated village of Côte des Neiges from No. 29 and Bellingham Avenue (No. cad.) of the incorporated village of Côte des Neiges, as far as the line dividing Nos. 30 and 28 of the incorporated village of Côte des Neiges; thence in a north-easterly direction along the said dividing line, as far as the south-west side line of Bellingham road (being the limits of the city of Outremont); thence in a south-easterly direction, along the south-west side line of the said Bellingham Road and its prolongation in a straight line, the said line being the limit line between Nos. 11 of the parish of Montreal and 10 of the incorporated village of Côte des Neiges on southwest side, and No. 26, of the incorporated village of Côte des Neiges on north-east side; thence, following the limit line between lots Nos. 10 and 9 of the incorporated village of Côte des Neiges and No. 9 of the parish of Montreal (being the limit of the City of Outremont) as far as the northwest limit of Mount Royal Park; thence following the boundary line between Mount Royal Park and the city of Outremont, as far as the south-east line of Mount Royal Avenue, the said boundary line being bounded on both sides by part of lot No. 9, parish of Montreal, part of No. 1, parish of Montreal,

another part of lot No. 9, parish of Montreal and part of No. 3 parish of Montreal, and part of No. 8 parish of Montreal; thence along the south-east side of Mount Royal avenue as far as the prolongation in a straight line of the line dividing No. 30 of the parish of Montreal from No. 12 of the incorporated village of Côte St. Louis; thence in a north-westerly direction following the line dividing Nos. 30 and 31 of the parish of Montreal, and No. 12 of the incorporated village of Côte St. Louis, (being the north-east limit of the city of Outremont); thence, still in a north-westerly direction and following the centre line of Hutchison street, as far as the north-west side of Laurier avenue; thence, still in a north-westerly direction, along the south-west side line of Hutchison street, being the dividing line between No. 12 of incorporated village of Côte St. Louis, and lot No. 32 of the parish of Montreal, as far as the junction between the cadastral divisions of Côte St. Louis, parish of St. Laurent, and parish of Montreal; thence in a south-westerly direction, along the said limit line, which is bounded to the north-west by Nos. 638, 637, 636 and 634 of the parish of St. Laurent; and to the south-east by Nos. 32, 33, 34, 35 and 36 of the parish of Montreal, following the said limit line as far as the division line between Nos. 634 and 628 of the parish of St. Laurent; thence in a north-westerly direction, as far as the south-east side line of Beaumont avenue; thence in a south-westerly direction, along the said south-east line of Beaumont avenue, as far as the centre of Allan Avenue, which is the dividing line between Nos. 633 and 632 of the parish of St. Laurent; thence in a north-westerly direction, following the centre line of the said Allan Avenue, the said centre line being the north-east limit of the town of Mount-Royal, as far as Crémazie Boulevard; thence crossing the said Crémazie Boulevard and continuing in a north-westerly direction along the line dividing Nos. 350 and 351 of the parish of St. Laurent, as far as the line dividing the cadastral divisions of the parishes of St. Laurent and Sault au Récollet; thence in a south-westerly direction, following the said dividing line between the parishes of St. Laurent and Sault au Récollet, as far as the south-west line of No. 331 of the parish of Sault-au-Récollet, such said dividing line being bounded to the north-west by Nos. 290, 291, 299, 301, 308, 309, 324, 325, 326, 327, 328, and 331 of the parish of Sault-au-Récollet; and to the south-east by Nos. 351, 266, 265, 262, 261, 260, 259, and 258 of the parish of St. Laurent; thence in a south-westerly direction following the line dividing Nos. 3, 4, 11, and 12 of the parish of St. Laurent from Nos. 253, 254 and 252 of the parish of St. Laurent, as far as the northeast limit of No. 19 of the parish of St. Laurent, being the north-east side line of Andaraque street;

thence in a north-westerly direction, along the northeast side of the said Andaraque street, as far as the point where the said Andaraque street is cut by the Ruisseau Raimbault; thence following the course of the said Ruisseau Raimbault in a more or less southerly direction as far as the point where the Ruisseau Raimbault cuts the dividing line between Nos. 242 and 241 of the parish of St. Laurent, the said Ruisseau Raimbault running and bounded by parts of the following lots and streets: lots Nos. 19-1108; 19-1082; Cartier street; 19-1054; 19-1055; 19-1056; 19-1057; 19-1058; 19-1059; 19-1060; 19-1031; 19-1030; Iroquois street; 19-998; 19-999; 19-1000; 19-1001; 19-1002; 19-1003; 19-1004; 19-973; 242-630; 242-631; 242-632; 242-633; Grothé street; 242-593; 242-594; 242-595; 242-596; 242-597; 242-598; 242-599; 242-555; 242-556; Outina street (242-557); 242-558; 242-559; 242-P; Grant street: P. 242; 242-222; 242-223; Outina street: (242-224); Monkland Bld.; 242-565A; 242-566A; 242-567A; 242-603A; 242-604A; 242-605A; St.-Germain street; 242-644A; 242-645A, and part of No. 242 unsubdivided; thence in a north-westerly direction along the said dividing line between Nos. 242 and 241 of the parish of St. Laurent, as far as the south-east line of No. 31 of the parish of St. Laurent; thence in a south-westerly direction, following the said south-east line of No. 31 of the parish of St. Laurent, as far as the line dividing numbers 31 and 36 of the parish of St. Laurent; in a north-westerly direction along the said dividing line between Nos. 31 and 36 of the parish of St. Laurent, as far as the centre of Petit Bois Franc Road, which bears no cadastral number. thence along the centre of the said road, in a south-westerly direction, as far as the south-west side line of Montée St. Laurent; thence in a northwesterly direction along the said south-west side line of Montée St. Laurent, as far as a point 3,004 feet distant from the north-west side line of Gouin Boulevard; thence from the said point in a south-westerly direction for a distance of 96 feet; thence in a north-westerly direction, as far as the line dividing Nos. 69 and 73 of the parish of St. Laurent; thence in a south-westerly direction passing through Lots Nos. 73, 77 and 78 of the parish of St. Laurent, following the boundary line of the old village of Cartierville; thence in a north-westerly direction, for an approximate distance of 1,025 feet, along the line dividing Nos. 78 and 82 of the parish of St. Laurent, such line being the boundary line of the old village of Cartierville; thence in a south-westerly direction, passing through lots Nos. 82, 83, 84, 85 and 86 of the parish of St. Laurent, as far as the line dividing Nos. 86 and 87 of the parish of St. Laurent, such line being the boundary line of the old village of Cartierville, thence in a north-westerly

direction, along the line dividing Nos. 86 and 87, for an approximate distance of 1,265 feet, this line being the boundary line of the old village of Cartierville; thence in a south-westerly direction, passing through Nos. 87, 88, 89 of the parish of St. Laurent as far as the line dividing Nos. 89 and 94 of the parish of St. Laurent, such line being the boundary of the old village of Cartierville; thence in a north-westerly direction, along the line dividing Nos. 89 and 94, crossing Gouin Boulevard, and along the line dividing Nos. 92 and 93 of the parish of St. Laurent, as far as Rivière des Prairies; and thence continuing in a straight line to the centre of the said Rivière des Prairies; thence in a north-easterly direction along the centre of the said Rivière des Prairies, as far as the prolongation in a straight line of the line dividing No. 1 of the parish of St. Laurent and No. 329 of the parish of Sault-au-Récollet; thence along the said prolongation, as far as the south-east bank of the Rivière des Prairies; thence in a north-easterly direction, along the said south-east bank of the Rivière des Prairies as far as lot 497 of the parish of Sault-au-Récollet; thence in a north-westerly direction, along the south-west sideline of lots Nos. 497, 496 and 495 of the parish of Sault-au-Récollet, connecting the Island of Montreal with the Ile de la Visitation, as far as the south-east shore of Ile de la Visitation, thence following the contour line of the said Ile de la Visitation, as far as the north-east side of No. 495 of the parish of Sault-au-Récollet; thence in a south-easterly direction, following the north-east side line of Nos. 495, 496, and 497 of the parish of Sault-au-Récollet, as far as the south-east bank of the Rivière des Prairies; thence in a north-easterly direction, following the said bank of the Rivière des Prairies as far as the line dividing Nos. 124 and 123 of the parish of Sault-au-Récollet; thence in a south-easterly direction, following the said line dividing Nos. 124 and 123 of the parish of Sault-au-Récollet, and the prolongation of the same line as far as the centre of Gouin Boulevard; thence in a south-westerly direction, along the centre of the said Gouin Boulevard, as far as the prolongation in a straight line of the line dividing Nos. 126 and 116 of the parish of Sault-au-Récollet; thence in a south-easterly direction, following the line dividing No. 126 from Nos. 116 and 115 of the parish of Sault-au-Récollet, as far as the south-east limit of No. 115 of the parish of Sault-au-Récollet; thence in a north-easterly direction, as far as the centre of Montée St. Michel; thence in a south-easterly direction, following the centre of the said Montée St. Michel as far as the prolongation, in a straight line, of the south-east limit of No. 126; thence in a south-westerly

direction, following the limit line between Nos. 126, 127, 128, 133, 134, 163 and 164 and lots Nos. 343, 342, 341, 340, 339, 338, 336, 334 and 333 of the parish of Sault-au-Récollet; thence in a south-easterly direction, along the line dividing Nos. 332 and 333 of the parish of Sault-au-Récollet, as far as the centre of Côte St. Michel Road; thence in a north-easterly direction, along the centre of Côte St. Michel Road, as far as the prolongation in a straight line of the line dividing Nos. 475 and 474 of the parish of Sault-au-Récollet; thence along the said line dividing Nos. 475 and 474 of the parish of Sault-au-Récollet, in a south-easterly direction as far as the line dividing the cadastral divisions of Sault-au-Récollet and the incorporated village of Côte de la Visitation; thence, in a north-easterly direction, along the said line dividing the cadastral divisions of Sault-au-Récollet and the incorporated village of Côte de la Visitation as far as the centre of 43rd Avenue; the said division line being bounded to the north-west by Nos. 474, 473, 446, 445, 444, 442, 440, 439, 437a, 435, 433, 432a, 429a 429, 428 and 427 of the parish of Sault-au-Récollet, and to the south-east by Nos. 207, 206, 201, 200, 199, 195, 194, 193, 192, 191, 190, 189 and 188 of the incorporated village of Côte de la Visitation; thence in a north-westerly direction, for a distance of 255 feet; thence in a north-easterly direction, as far as the north-east line of No. 420 of the parish of Sault-au-Récollet, such line being bounded on the northwest by lots Nos. 426, 425 and 424, and on the southeast by lot No. 188 of the village of Côte de la Visitation, and by lots Nos. 17 and 18 of the parish of Longue Pointe, following the dividing line between the parishes of Sault-au-Récollet and Longue Pointe, as far as the north-east limit of No. 325 of the parish of Longue Pointe, the said line being bounded to the north-west by Nos. 420, 419, 418, 417, 415 and 414 of the parish of Sault-au-Récollet, and to the south-east by Nos. 22, 23, 30, 31, 35, 38, 40, 41, 42, 184 and 325 of the parish of Longue Pointe; thence in a north-easterly direction following the line dividing Nos. 443 and 326 of the parish of Longue Pointe, as far as the north-east limit of No. 326; thence in a south-easterly direction, along the line dividing No. 326 on the south-west side and Nos. 440, 442 and 441 of the parish of Longue Pointe on the north-east side, as far as the north-west line of No. 327 of the parish of Longue Pointe; thence in a north-easterly direction as far as the north-east limit of No. 331 of the Parish of Longue Pointe, bounded to the north-west by Nos. 441, 440 and 439 of the parish of Longue Pointe, and to the south-east by 327 and 331 of the parish of Longue Pointe; thence in a south-easterly direction, fol-

lowing the dividing line between Nos. 331 and 332 of the parish of Longue Pointe, being the south-west boundary of the municipality of St. Jean de Dieu, as far as the north-west bank of the River St. Lawrence; thence turning in a south-westerly direction, following the said north-west bank of the River St. Lawrence as far as the prolongation of the dividing line between Nos. 18 and 20 of the incorporated village of Hochelaga; thence in a south-easterly direction, along the said prolongation, as far as the centre of the River St. Lawrence; thence in a south-westerly direction following the centre of the River St. Lawrence to the point of departure;

SECOND,

Commencing at a point "B" on the north-west bank of the River St. Lawrence, at the intersection of Nos. 333 and 332 of the parish of Longue Pointe; thence in a north-westerly direction along the said dividing line between Nos. 333 and 332, crossing Notre Dame street, and continuing on in a north-westerly direction, as far as the intersection of the prolongation in a south-westerly direction of the north-west line of No. 334 with the north-east line of No. 332; thence in a north-easterly direction, following the said prolongation of said north-west line of No. 334, as far as the centre of de Boucherville street (formerly Montée St. Léonard), such line being bounded to the north-west by 335 and 337 of the parish of Longue Pointe and to the south-east by 335, 334 and 337 of the parish of Longue Pointe; thence in a north-westerly direction, along the centre of the said de Boucherville street, as far as a point about 385 feet north-west of Boyce street; thence turning in a south-westerly direction along the centre of Montée St. Léonard, for a distance of about 155 feet; thence in a north-westerly direction, along the centre of the said Montée St. Léonard, as far as the line dividing Nos. 435 and 390 of the parish of Longue Pointe; thence following the limit of the former town of Longue Pointe and the former village of Tétraultville as far as the limit between the parishes of Longue Pointe and Pointe aux Trembles; this said limit being bounded to the north-west by Nos. 435, 434, 433, 432, 430, 429, 428, 426, 424, 423, 420, 419, 418, 417, 416, 415, and 414, and to the south-east by 390, 391, 394, 395, 396, 397, 398, 399, 400, 403, 404, 405, 406, 407, 408 and 409 of the parish of Longue Pointe; thence in a south-easterly direction, along the dividing line between No. 409 of the parish of Longue Pointe and No. 70 of the parish of Pointe aux Trembles, as far as the north-west bank of the River St. Lawrence; thence in a south-westerly direction, following the said north-west bank of the River St. Lawrence, to the point of departure.

The following islands in the River St. Lawrence are included within the limits of the city of Montreal: St. Helen's Island, Ile Verte, and Ile Ronde; and in Rivière des Prairies (in addition to Ile de la Visitation) Ile aux Sergents, Ile aux Pins, and Ile du Cheval de Terre, and the Island bearing No. 2635 of the parish of St. Laurent.

Territory not included

The following territory is not included in the limits of the city of Montreal:—

CITY OF WESTMOUNT,

Starting at a point "C", situated at the intersection of the centre of St. Antoine street with Rose de Lima street; thence in a north-easterly direction, following the centre of St. Antoine street, as far as its intersection with the centre of Atwater Avenue; thence in a north-westerly direction, following the centre of Atwater Avenue, as far as its intersection with the centre of Dorchester street; thence in a north-easterly direction, following the centre of Dorchester street, as far as the intersection with the dividing line between No. 381 of the parish of Montreal, and No. 1653 of St. Antoine Ward; thence, in a north-westerly direction, following the old limits of the city of Montreal, as far as the line dividing the parish of Montreal from the incorporated village of Côte-des-Neiges, such line being bounded to the south-west by No. 381 of the parish of Montreal, part of Atwater Avenue, Tupper street, No. 378 of the parish of Montreal, Ste. Catherine street, No. 377, Sherbrooke street, and No. 376 of the parish of Montreal, and on the north-east by No. 1720 of St. Antoine Ward, Sherbrooke street, No. 1654 of St. Antoine Ward, Ste. Catherine street, and No. 1653 of St. Antoine Ward; thence in a south-westerly direction, following the line dividing No. 170 of the incorporated village of Côte-des-Neiges from No. 376 of the parish of Montreal, as far as the line dividing Nos. 376 and 374 of the parish of Montreal; thence in a north-westerly direction, following the line dividing the parish of Montreal from the incorporated village of Côte-des-Neiges, such line being bounded to the south-west by No. 374 of the parish of Montreal, and to the north-east by Nos. 170, 169, 167, and 166 of the incorporated village of Côte-des-Neiges, as far as the line dividing Nos. 166 and 165 of the incorporated village of Côte-des-Neiges; thence in a north-easterly direction, following the line dividing Nos. 166 and 165 of the incorporated village of Côte des

Neiges, as far as the prolongation in a straight line of the limit line of No. 165, which cuts the north-west line of No. 166 of the incorporated village of Côte-des-Neiges, at a point situated at a distance of four hundred and sixty feet, more or less, from the south-west side of Côte-des-Neiges Road; thence in a north-westerly direction following the said line as far as its intersection with the north-west line of the Montreal Water & Power Co.'s property; thence in a north-easterly direction, following the north-west line of the "Montreal Water & Power Co.'s" property, as far as the south side of Côte-des-Neiges Road; thence in a westerly direction, following the said south side of Côte-des-Neiges Road, as far as the line dividing No. 964 of the incorporated village of Côte-des-Neiges from No. 283 of the parish of Montreal, such line being bounded to the south-west by Nos. 374 and 283 of the parish of Montreal and by No. 165 of the incorporated village of Côte-des-Neiges, and to the north-east by Côte-des-Neiges Road; thence in a south-westerly, north-westerly and south-westerly direction, following the line dividing the parish of Montreal, and the incorporated village of Côte-des-Neiges, as far as the north-east limit of lot No. 282-292 of the parish of Montreal, such said line being bounded to the south-east by Nos. 283 and 282 of the parish of Montreal, and to the north-west by Nos. 164 and 163 of the incorporated village of Côte-des-Neiges; thence in a north-westerly direction as far as the line dividing No. 282 of the parish of Montreal from No. 162 of the incorporated village of Côte-des-Neiges, such line being bounded to the south-west by No. 282 of the parish of Montreal, and to the north-east by No. 163 of the incorporated village of Côte-des-Neiges; thence, in a south-westerly direction, following the line dividing the parish of Montreal from the incorporated village of Côte-des-Neiges, as far as the line dividing Nos. 156 and 157 of the incorporated village of Côte-des-Neiges, such line being bounded to the north-west by Nos. 160, 159, 158 and 157 of the incorporated village of Côte-des-Neiges and on the south-east side by Nos. 282, 239, 237 and 222 of the parish of Montreal; thence, in a south-west, south, and south-easterly direction, following the line dividing No. 156 of the incorporated village of Côte-des-Neiges from Nos. 222 and 221 of the parish of Montreal, as far as the line dividing No. 156a of the incorporated village of Côte-des-Neiges from No. 221 of the parish of Montreal; thence in a south-easterly direction, following this line, as far as the line dividing No. 218 of the parish of Montreal from No. 156a of the incorporated village of Côte-des-Neiges; thence in a south-westerly direction, following this line, as far as

the line dividing Nos. 151 and 150 of the incorporated village of Côte-des-Neiges, such line being bounded to the north-west by Nos. 151, 152 and 156a of the incorporated village of Côte-des-Neiges, and to the south-east by Nos. 218 and 217 of the parish of Montreal; thence in a south-easterly direction, following the line dividing Nos. 217 and 213 of the parish of Montreal, as far as the prolongation in a straight line of the north-west side line of No. 212 of the parish of Montreal; thence in a south-westerly direction, cutting through No. 213 and following the line dividing Nos. 212, 203 and 204 from No. 201 of the parish of Montreal; as far as the line dividing Nos. 204 and 202 of the parish of Montreal; thence in a south-easterly direction, following the line dividing Nos. 204, 205, and 206 from No. 202 of the parish of Montreal, crossing Côte St. Antoine Road, and following the line dividing Nos. 207 and 189, of the parish of Montreal, as far as the south-east line of No. 207 of the parish of Montreal; thence in a north-easterly direction, following the line dividing the south-east side of No. 207 and No. 189 of the parish of Montreal, as far as the south-west limit of No. 208 of the parish of Montreal; thence in a south-easterly direction, following the line dividing No. 208 from Nos. 189 and 188a of the parish of Montreal, as far as a point situated on the south-west line of No. 1657 of the parish of Montreal, which is the prolongation, in a straight line, of the line dividing Nos. 1457 and 1434 of the parish of Montreal; thence, in a north-easterly direction, following the said prolongation, in a straight line, between lots Nos. 1457 and 1434; thence, in a north-easterly direction, cutting through Nos. 1657, 1634, 1632 and Lenoir street, and continuing in a straight line, as far as the centre of Rose de Lima street, such line being bounded to the north-west by Nos. P1657, P1634, P1632, Lenoir street, 1434, 1408, 1409, 1410, 1411, 1412, 1413, 1414, and 1415, and to the south-east by Nos. P1657, P1634, P1632, Lenoir street, Nos. 1457 to 1435 inclusive, Nos. 1407 to 1367 inclusive; thence, in a south-easterly direction, following the centre of Rose de Lima street, to the point of departure.

Alteration of the Boundaries of the City.

By-laws
to
extend
city, etc.

6. The council may, from time to time, by by-law or resolution, change the boundaries of the city, as described in the foregoing article, in such manner as to include any municipality or part of a municipality which has hitherto or which may hereafter be annexed to the city.

7. The city of Montreal shall have jurisdiction for municipal and police purposes and for the exercise of all the powers conferred upon it by this charter, over the whole extent of its territory, and also beyond its territory in those cases where special authority is conferred upon it.

The jurisdiction of the city for municipal and police purposes shall extend to the middle of the river St. Lawrence and of the *rivière des prairies* opposite the city.

8. The city of Montreal, for the purposes of this charter, is divided into three electoral districts, called respectively the "Eastern District", the "Central District" and the "Western District", and each of the said districts is bounded as follows:

The Eastern District shall include the former wards of St-James, Papineau, St-Mary's, DeLorimier, Hochelaga and Mercier, according to the boundaries of such wards at the date of the passing of this charter;

The Central District shall include the former wards of St-Louis, St-Lawrence, St-John-Baptiste, St-Denis, Lafontaine, Laurier and Ahuntsic-Bordeaux, according to the boundaries of such wards at the date of the passing of this charter, with the exception, however, of the territory of the former town of Cartierville as it existed at the date of its annexation to the city of Montreal, which shall not form part of the Central District;

The Western District shall include the former wards of St-Gabriel, St-Anne's, St-Joseph's, St-Henry's, St-Andrew's, St-George's and Notre Dame de Grâces, and the former town of Cartierville with the boundaries as fixed by its charter at the date of its annexation to the city of Montreal.

SECTION IV

ANNEXATION OF MUNICIPALITIES

9. The city council may, upon the affirmative vote of the absolute majority of its members, and with the approval of the majority in number and value of the electors who are proprietors, and who have voted, obtained in the manner set forth in section XII of this charter, make by-laws for extending the boundaries of the city of Montreal by annexing, for municipal purposes, any city, town, village or municipality or part of a municipality, whether contiguous or not to the city, within the island of Montreal.

Every such by-law must contain a full description of the territory to be annexed, with a plan showing the superficies and boundaries, stating the terms and conditions of such

annexation, and stating to which one or more of the three electoral districts the annexed territory shall belong.

Approval
of by-law.

10. Before the third reading and final passing thereof by the city council, such by-law must have been approved by the council of the municipality affected thereby, and sanctioned by the electors who are proprietors in the said municipality or part of a municipality, as the case may be, in the manner set forth in the following provisions.

Submission
of annexa-
tion by-law
to
proprietors
of
municipality
interested.

If the council of the municipality interested should refuse or fail, within one month after the adoption at its second reading of such by-law by the city council, to approve or disapprove the same, or if it should disapprove the same, then the city council may, nevertheless, at the request of at least one-fifth of the electors who are proprietors in said municipality, order, by resolution, that the by-law be submitted to the electors of the said municipality who are proprietors, so that it may be taken into consideration, as indicated in the following provisions.

Application
for
submission
how made.

Such application shall be made by means of a petition signed by the aforesaid number of electors who are proprietors, in the presence of a witness, who shall, by his affidavit, attest the authenticity of each of the said signatures.

Publication
of by-law
etc. and of
notice
that it
will be
submitted
for approval
on certain
date.

11. A copy of such by-law shall be published once a week for one month in two English and two French newspapers in the city, and shall also be posted up at the door of the city 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 meetings, 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 city clerk, certifying that it is a true copy of the original by-law which will be taken into consideration by the city council after the expiration of thirty days from the date of the last publication 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, to be fixed by the mayor of the city, and named and designated in the notice, such day being not less than fifteen nor more than twenty days after such last publication, 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 of the same.

Who shall

12. The chairman of such meeting shall be the mayor

of the municipality in which it is held, 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 be willing to act.

The secretary-treasurer of such municipality shall attend at such meeting and have with him the assessment 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.

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

13. When the question has been put, the chairman shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law.

His decision, if not appealed from within an hour, shall be final, and, within eight days thereafter, shall be communicated to the mayor of the city of Montreal, by a certificate under the hand of the secretary of the meeting.

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

15. Each of the electors shall then present himself in turn to the chairman, and shall give his vote "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 appears by the assessment rolls and electors' list to be an elector in the said municipality, or part of a municipality, as the case may be, duly qualified to vote as a proprietor of immoveable property therein.

16. If, at five o'clock in the afternoon on 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 be continued as on the first day, and shall be closed at five o'clock in the afternoon of the second day.

If at any time, on the first or second day, one hour elapses without a vote being offered, the poll shall be closed.

Counting of
votes.

17. At the close of the poll, the chairman shall count the "yeas" and the "nays", and ascertain whether the majority of the electors are for the approval or disapproval of the said by-law.

Result
how
declared.

He shall make and sign a certificate stating the result of the voting, and such certificate shall be countersigned by the 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.

The secretary-treasurer shall transmit to the city clerk, within eight days from the close of the poll, a duly authenticated copy of the said certificate and poll-book.

Submission
to city
council
of by-law
approved
by
majority
of
electors.

18. If the by-law be not approved, the city council shall not adopt the same; but if it be approved by three-fifths of the electors who are proprietors and who vote, it shall be submitted to the council, within ten days after the expiration of the thirty days mentioned in article 11, with a preamble stating that such by-law has been approved by a majority of the electors qualified to vote, as aforesaid, in the said municipality or part of municipality, as the case may be, at a meeting called and held in conformity with the provisions of this charter.

Adoption
of by-law,
etc.

If the by-law be adopted by the vote of the majority of all the members of the city council, it shall have effect, after approval by the Lieutenant-Governor in Council.

Proviso.

In the event of such by-law being rejected by the proprietors, a similar by-law shall not be again presented within one year after its rejection.

Lieut.-Gov.-
ernor in
Council
may
require
informa-
tion.

19. The Lieutenant-Governor in Council may require from the council, and from the municipality to be annexed, in whole or in part, under such by-law, all such documents and information as he shall think necessary for ascertaining the expediency or in expediency of such by-law, or any of the provisions thereof; and the officers of the council and of such municipality shall furnish the same accordingly.

Decision
of Lt.-Gov.

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

Coming
into force
of by-law.

The approval shall give the by-law the force of law; it shall be presumed and held to be regular and legal; and the validity thereof and the sufficiency of all notices and proceedings relating thereto, and to the passage thereof, shall not thereafter be disputed before any court, nor in any other manner whatsoever.

20. So soon as any municipality or part of a municipality has been annexed to the city according to the provisions of this charter, such municipality or part of a municipality shall be subject to the provisions of the various acts, rules, by-laws and ordinances now or which may hereafter be made and passed in virtue of the powers conferred upon the corporation of the city by its charter or by any amendment thereto, except in so far as such provisions shall be incompatible with the conditions of the by-law under the authority whereof such annexation was effected.

21. Any municipal officer, or member of a municipal council, who shall neglect or refuse to perform, or to concur in performing, any official act or duty required of him for carrying out the provisions of this section, shall be liable to a penalty of one thousand 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.

22. All the proceedings in connection with the adoption of any annexation by-law commenced by a council whose term of office has expired, may be continued by the new council with the same effect.

SECTION V

COUNCIL

23. The city shall be governed by a council composed of fifteen councillors, five of whom shall be elected for four years by each electoral district. Such council, saving the cases otherwise provided for by this charter, shall exercise all the powers of the city.

24. No person shall be nominated for the office of councillor, nor be elected to such office, nor hold the same,—

a. unless he is a municipal elector and resides and has resided in the city during the three years immediately preceding the date of the nomination;

b. if he has made an assignment of his property either under the provisions of the Code of Civil Procedure or under the Bankruptcy Act, or if an order for sequestration has been issued against him on petition in bankruptcy under the said act, and if he has not obtained his discharge;

c. if he avails himself of the provisions of article 1143 of the Code of Civil Procedure;

- Convicted of a crime; *d.* if he has been found guilty of a criminal offence by a court of justice and, as a result, been confined in a common gaol or penitentiary;
- Priests, judges, etc; *e.* if he is in holy orders, or a minister or a teacher of any religious denomination, or a judge or a clerk of any court;
- Member of a legislative body, etc; *f.* if he is a member of the Senate or of the House of Commons of Canada, or of the Legislative Council or of the Legislative Assembly of Quebec, or of a permanent federal or provincial commission;
- Interested in a contract; *g.* if he is directly or indirectly a party to a contract with the city for the performance of any work, or surety for the carrying out of any such contract;
- Or as advocate; *h.* if, as an advocate, he conducts, or if the firm of which he is a member or any of the members thereof conducts, a case against the city before any court of justice, or in any expropriation proceedings;
- Or in a claim; *i.* if he is a party to or directly or indirectly interested in any case, suit or claim against the city;
- Or owes any taxes; *j.* if he is indebted to the city for any taxes, assessments or water rates,—special assessments for local improvements being excepted;
- Or is interested in any franchise. *k.* if he is a director or an executive officer of any corporation exercising a franchise in the city.
- Councillors justices of the peace. **25.** The councillors shall be *ex officio* justices of the peace for the city and district of Montreal, and shall be exempted from serving as jurors.
- Councillors to be sworn. **26.** No person may act as councillor until he has taken before the city clerk the oath of allegiance to His Majesty, his heirs and successors, and the oath of office, in the form No. 1.
- Resignation of councillors. **27.** Any councillor may resign and vacate his seat in the council by transmitting his resignation, signed by him, to the city clerk; but such resignation shall have no effect until it has been accepted by a resolution of the council.
- Qualifications to be possessed during full time. **28.** 1. No person may act as councillor unless he possesses at all times the qualifications required by law.
2. Moreover, the office of a councillor forthwith and *ipso facto* shall become vacant:
a. if he fails to attend five consecutive regular meetings of the council without the leave of the council, except in case of illness;

b. if he has been declared guilty of any corrupt or fraudulent practice in the municipal elections, as provided in this charter;

c. if he directly or indirectly becomes a party to or security for any contract or agreement with the city, for the performance of any work or duty or for goods to be supplied to it, or directly or indirectly has any interest in, or derives any profit or advantage from, such contract or agreement, or if he holds a salaried position in the city's service.

29. Any councillor voting at any meeting of the council, unless he is at the time duly qualified as required by law, shall be liable to a penalty of one hundred dollars for each such vote which he gives in council. Penalty on councillors voting when not qualified.

30. At each general municipal election, the councillors whose term of office has expired shall continue in office until the election of their successors has been proclaimed, and the mayor shall continue in office until his successor has been elected by the new council. Term of office.

31. From and after the first meeting of the first council elected under the provisions of this charter, such council shall, within a delay of thirty days, appoint the general manager, and whenever the office of general manager becomes vacant, the council shall replace him within a like delay of thirty days. During such thirty days the council shall appoint a temporary manager, who may be dismissed or replaced, at pleasure, by the said council. The powers of said temporary manager shall cease at the expiration of the aforesaid period of thirty days. Appointment of a general manager.

32. 1. Within thirty days from the date of the proclamation of the councillors elected at a general municipal election, the council shall meet, after being convened by the city clerk upon a notice sent by registered mail at least five days prior to the meeting. First meeting of the Council.

2. At such meeting, the council shall choose a mayor and an acting-mayor from among its members. The mayor shall be elected for a term of four years. The acting mayor shall only remain in office during a period of three months, and shall be replaced or re-elected at the expiration of each such period. Election of mayor, and acting mayor.

33. The acting-mayor shall have and exercise all the powers vested by law in the mayor, whenever the latter may be absent from the city or whenever he may be unable to discharge the duties of his office. Acting mayor.

If the office of mayor becomes vacant, the acting-mayor shall exercise all the mayor's powers until the election of the latter's successor.

Mayor
to take
the oath
of office.

34. The mayor, before assuming his duties, shall take, before the city clerk, the oath of office as per form No. 1.' He shall have all the privileges conferred upon him by law as a councillor.

Mayor
may resign
and continue
in office as
councillor.

35. When the mayor ceases to be a councillor, he shall *ipso facto* cease to hold the office of mayor, but he may, with the consent of the council, resign as mayor and continue in office as a councillor.

Office of
mayor how
filled when
vacant.

36. Whenever the office of mayor or of acting-mayor becomes vacant, the council shall immediately fill such vacancy as above provided. The successor so appointed shall exercise his functions until the term of office of the previous incumbent has expired, and shall have the same rights, duties and privileges as the latter had.

Disposal
of reports.

37. The council may adopt or reject a report from the general manager on a majority vote of all its members. It may, on a majority vote of the members present, refer back any report to the general manager with such amendments as it may deem advisable to suggest. The general manager shall, thereupon, within a delay not exceeding thirty days, make a further report, which the council may dispose of as above provided. If he fails to report within such delay, the council may adopt the report with the amendments suggested, or amend or reject the same on a majority vote of all its members.

How the
Council
shall deal
with the
manager.

38. In dealing with the general manager, the council shall always act as a body, and individual members thereof shall not attempt to dictate to him while the said council is not in session.

All communications between the council and the different departments under the control of the general manager shall be carried on only through the general manager.

The council or any of its members or of its committees shall not dictate to the general manager the appointment or dismissal of any civic employee, nor intervene in any way whatsoever to prevent the said general manager from using his own judgment in appointing or dismissing any employees of the administrative service, unless otherwise provided by this charter.

Except for investigation purposes, the council shall deal

with the administrative service of the city, only through the general manager.

39. The council, may, at any time, appoint committees ^{Appoint-} and require them, either on its own initiative or at the ^{ment of} request of the general manager, to inquire into any facts, ^{committees.} matters or questions which it may deem advisable to submit to them, and such committees shall inquire into such facts, matters or questions and report thereon.

40. 1. Each councillor shall receive, out of the funds ^{Councillors} of the city, as an indemnity or compensation for his ser- ^{to receive} vices, during his term of office, an annual sum of three ^{indemnity.} thousand dollars, provided that there shall be deducted from such indemnity a sum of fifty dollars for every failure on the part of any councillor to attend a regular meeting of the council duly called, and a sum of twenty dollars for every failure on the part of such councillor to attend a special meeting of said council duly called, whether there be in either case a quorum or not, unless he be absent on official duty for the city or prevented by illness from attending such meetings.

2. Leave of absence granted by the council for other ^{Proviso.} reasons shall not prevent the deduction of such sums.

3. The mayor shall receive, in addition to his indem- ^{Indemnity} nity as councillor, as hereinabove mentioned, and which ^{to the} shall be liable to the same deductions, an additional ^{mayor.} indemnity of five thousand dollars per annum.

41. Whenever a councillor of the city shall be appointed ^{Represent-} by the latter to represent it in a public or private corpora- ^{tion of} tion, his functions as such representative shall not extend ^{city in} beyond the day when his term of office as councillor shall ^{certain} ^{corporation.} expire.

SECTION VI

LIST OF ELECTORS

1.—*Persons entered on the lists and the place where they vote*

42. The following persons, if of the full age of twenty- ^{Qualifica-} one years, British subjects and not legally disqualified ^{tion of} nor otherwise deprived of the right to vote in virtue of ^{electors.} this charter, may be entered on the list of electors, which shall be prepared in accordance with the following provisions:

1. Every male person, and every widow, unmarried ^{Proprietors.} woman or married woman separated as to bed and board,

whose name is entered on the assessment and valuation roll in force as a *bona fide* owner or occupant of immoveable property in the city; in every case where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electors' list;

Tenants. 2. Every male person, and every widow, unmarried woman or married woman separated as to bed and board, being a resident householder in the city under a lease, whose name is entered on the last tax roll in force as tenant of a dwelling-house or part of a dwelling-house, in the city;

Co-tenants. 3. Every male person, and every widow, unmarried woman or married woman separated as to bed and board, though neither an owner nor householder, who, individually or jointly as a co-partner with any other person, is entered on the last assessment and valuation roll or tax roll, in force, as the tenant under lease of any warehouse, counting-house, shop, office, or other place of business in the city.

Proviso. Nevertheless, such qualification granted to co-partners or tenants by this paragraph 3 shall not be held to extend to members of associations of persons using or holding the premises for social, educational, philanthropic or similar objects, nor to employees or agents of other persons entitled to be qualified as electors in respect of the same premises;

Ratepayers. 4. Every male person, and every widow, unmarried woman or married woman separated as to bed and board, not being either owner, occupant, or tenant as aforesaid, but who pays any business tax to the city of Montreal, or who pays any other tax to the city of Montreal, amounting to at least ten dollars per annum, and whose name is entered as such rate-payer on the last tax roll in force; provided that in either case all due payments of such taxes have been made;

Bachelors. 5. Every person, not being either owner, occupant, or tenant as aforesaid, who pays the tax upon bachelors authorized by article 444 of this charter, and whose name is entered accordingly upon the tax roll, provided that all due payments of such tax have been made;

Husband. 6. The husband of any woman separated as to property but not as to bed and board has a right to vote in all cases where his wife would have a right to vote if she were unmarried.

Co-proprietors, etc. **43.** When two or more persons are joint proprietors, joint tenants or joint occupants of lands or buildings, and are so entered on the valuation and assessment roll in

force, each of the said joint proprietors, joint tenants and joint occupants is qualified as an elector and to be entered on the elector's list.

44. Any joint stock company or corporation which is a proprietor, occupant or tenant as aforesaid may be entered on the voters' list and vote in the name of and through a representative of the company, duly authorized to that effect by a resolution, a copy whereof shall be filed with the city clerk on or before the 25th of November of each year, and in which resolution mention shall be made of the property upon which it pays taxes qualifying it to vote, and in which electoral district such property is situated, provided that such representative be a director or employee of the company when authorized and called upon to cast his vote. Voting of companies, etc.

The said resolution shall serve the above purpose until it shall be replaced by another resolution to the same effect, to be filed as herein provided.

45. Every person entitled to vote, as aforesaid, shall vote in each electoral district in and for the particular polling-division in which the property constituting his qualification to vote is situated; but when such person is qualified as owner, tenant, occupant or ratepayer in more than one polling-division, or as tenant in one polling-division and at the same time as owner, occupant or ratepayer in any other polling-division, he shall vote only once in each electoral district, and shall be entered once only on the list of electors in such electoral district, in accordance with the following rules: Where electors are to vote.

1. If any elector be qualified in respect of his residence, he shall be entered upon the list of electors for the polling-division in which such residence is situated, and his vote shall be polled at the polling-place nearest such residence.

2. If an elector be not qualified in respect of his residence, but be qualified as owner, tenant or occupant in another polling-division, his name shall be entered on the list of such other polling-division, and his vote shall be polled therein.

3. If an elector be qualified in respect of the payment of a tax or taxes, and not otherwise, his name shall be entered on the list of electors for the polling-division in which his office or place of business is situated, and his vote shall be polled in said polling-division; and, failing an office or place of business, the chairman of the electoral

board shall determine where, in his judgment, the vote of such elector may be most conveniently polled.

When not qualified in respect of residence.

46. When the elector who is qualified in more than one polling-division of the same electoral district, as aforesaid, is not qualified in respect of residence, the chairman of the electoral board shall determine where, in his judgment, the said vote may be most conveniently polled.

If name is omitted from voters' list.

47. The city clerk may also, on election day, give the right to vote to any elector whose name has been omitted from the voters' list, but who is entered on the valuation roll and has the qualifications required by law, provided that such elector takes the oath before the deputy-returning-officer, that he has not already exercised the right to vote conferred on him by such certificate, and that he has the qualification required by law.

Persons not entitled to be on list of electors.

48. The following persons are not entitled to have their names entered on the electors' list:

1. The city clerk and his assistants;
2. Persons who are not British subjects;
3. Persons who are no longer in possession as proprietors of the property on which they were qualified when said list was made. Nevertheless, the chairman of the electoral board shall enter the name of the new proprietor on the voters' list, provided, however, that he be possessed of the qualification required by law;
4. Persons who are guests or lodgers in a hotel, boarding-house, or private dwelling, and not otherwise qualified;
5. Tenants who, at the time of the revision of the electoral lists, are no longer householders in the city, and also tenants of any office or place of business, qualified as such, who have not actually occupied said office or place of business since the month of May next preceding, or who have ceased occupying the same at the time of the revision of the electoral lists.

2. Preparation of the Electors' Lists

Preparation of the list.

49. Prior to the first of December of each year, there shall be prepared by the chairman of the electoral board, or under his direction, in the manner hereinafter mentioned, for the city, a list of the names entered on the valuation and assessment roll as well as on the tax roll, including the roll of those who pay the tax on bachelors, and qualified to be entered upon the electors' list under this charter.

50. Such list shall contain the names and surnames ^{List what} of the electors, their occupations, the streets and street ^{to contain.} numbers of the property in respect of which they are qualified to vote, and shall also indicate in a separate column the nature of the qualification of such electors, whether as proprietors, tenants, occupants or mere rate-payers.

51. In the preparation of the list the chairman of the electoral board shall omit therefrom, and shall, from ^{Names} time to time, cause to be removed therefrom, the names ^{to be} of all persons who either are or who may become deceased, ^{omitted} also the names of minors, of aliens, of non-residents, of ^{or} removed ^{therefrom.} corporation employees as mentioned in article 48, and of all others who, by virtue of this charter, shall not be entitled to have their names entered on such list.

During the month of November, while the lists are ^{Examina-} still in the hands of the chairman of the electoral board, ^{tion} any ratepayer may, under proper safeguards, examine ^{of list.} the lists at the offices of the electoral board and, if said ratepayer finds therein the name or names of persons whom he may have reason to believe are not legally entitled to such insertion, he may file with the chairman of the electoral board a signed statement, specifying names and alleging causes of disqualification, and, in each such case, it shall be the duty of the chairman of the electoral board to make careful enquiry respecting the truth or otherwise of such allegations, before permitting the name or names thus objected to to remain upon the list, when the same shall be finally transmitted to the city clerk.

52. The chairman of the electoral board, in pre-^{Subdivision} paring the electors' list for the city, shall subdivide it ^{of the city} into as many polling-divisions as he may deem necessary. ^{into} ^{polling-} ^{divisions.}

53. He shall make a report of such divisions in du-^{Report} plicate, shall sign the same and keep one duplicate thereof, ^{of such} and shall transmit the other to the city clerk. ^{divisions.}

54. He shall make for each polling-division an alpha-^{Alphabeti-} betical list of the electors qualified to be entered thereon, ^{cal list} which he shall sign and certify under oath before a justice ^{for each} of the peace, as correct to the best of his knowledge and ^{polling-} ^{division.} belief.

He shall thereupon finally establish the polling-sub-^{Final} divisions, and shall unite several polling-divisions if re-^{establi-} quired, in order that the number of qualified voters in ^{shment of} each subdivision shall not exceed two hundred. ^{polling} ^{subdivi-} ^{sions.}

Supplying
of copies
of list of
electors.

55. The city clerk shall be obliged to furnish to any rate-payer applying therefor, a copy of any one or of all the electoral lists for the year, and shall be allowed to charge a fee of ten cents for every hundred words of such copy. The clerk shall also, in the course of any year in which a general election is held, have the list of municipal electors printed as soon as such list is revised, and shall give ten copies, free of charge, to each of the candidates officially nominated for the office of councillor, who applies to him for the same.

Electors'
lists for
polling-
divisions.

56. The electors' lists for all the polling-divisions of the city shall be considered as being the electors' list for the city at each election held under this charter.

Each list
for a
polling-
division a
separate
list.

57. The electors' list for each polling-division shall be considered as separate, and if for any reason the electors' list for any polling-division be invalidated, it shall not affect the electors' list for any other polling-division.

Penalty
on chair-
man of
electoral
board for
refusal
or neglect
in perfor-
mance
of duties.

58. If the chairman of the electoral board refuses or neglects to make alphabetical lists of the electors according to the provisions of this charter, or if, in making such lists, he enters thereon or omits therefrom, knowingly, names which should not be entered or omitted, and if he thus transmits said lists after having certified the same under oath, he shall be liable to a fine not exceeding five hundred dollars, and, in default of payment, to a term of imprisonment not exceeding six months.

If list
not
certified
within
certain
delay.

59. If the chairman of the electoral board, for any cause whatever, is unable to certify the said electors' lists within the delay above mentioned, the same may be validly certified by one of his deputies specially appointed by the board for that purpose, and transmitted by him to the city clerk, without delay.

Duty of
Council.

60. The council is bound to see that the electors' list for each polling-division of the city is made as aforesaid, and it may dismiss the chairman of the electoral board in the event of the latter refusing or neglecting to make the said list as aforesaid, and also any civic employee tampering with the same.

Transmis-
sion of
voter's
list to
city clerk.

61. On the first of December, the chairman of the electoral board shall transmit the certified voter's list to the city clerk, who shall keep the same in his office, where it may be examined by the parties interested until finally revised.

Notice of

62. On receipt of the list delivered to him by the

chairman of the electoral board, the city clerk shall immediately cause to be inserted in two French and two English newspapers a notice of the revision of the municipal voter's list as per form No. 2, stating the day on which and the place where the list shall be revised.

3.—*Examination and putting into force of the list*

63. Upon complaints filed in accordance with article 64, and not otherwise, the elector's list of the city may be examined, corrected and revised by one of the recorders of the city within the time mentioned in the notices given by the city clerk, in virtue of article 62.

64. Within fifteen days from the publication of the notice given by the city clerk in accordance with article 62, any qualified elector may give notice in writing to the office of the city clerk that he will apply to the recorder to have the list of electors for any polling-division amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted.

65. Such notice shall specify the qualifications of the electors whose names are sought to be added, and the cause of disqualification of those sought to be struck off, and shall be served, at the diligence of the applicant, on or before the 17th of December, upon every elector whose name is sought to be struck from the electors' list, by registered letter sent to the address mentioned on the list.

66. On the day fixed for the revision of the list of electors the petitioner shall appear, either personally or by his agent or attorney, before one of the recorders to make good his application.

67. On the day fixed by article 62, the recorder shall hear the complaints filed as aforesaid, and shall adjourn from day to day until all such complaints have been adjudicated upon; and, after hearing such evidence as, in view of the nature of the case, shall be deemed sufficient and reasonable, before the parties interested or their representatives, if present, all witnesses being first duly sworn, the recorder shall make or cause to be made the necessary additions to or erasures from such list, and shall further correct all misnomers and all clerical errors therein.

68. The attendance of witnesses may be secured by summons issued under the hand of the recorder.

Penalty
on witness
not
attending.

If any person, so summoned, neglects or refuses to appear at the place and time appointed by such summons, or if appearing he refuses to be examined under oath concerning said enquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able so to do, he shall be liable to a fine not exceeding twenty dollars, and, in default of payment, to a term of imprisonment not exceeding ten days.

Attendance
of officials,
etc., before
recorder
with
documents.

69. The recorder may compel the officials and employees of the electoral board and of the city treasurer's office, to be present at the sittings held for the revision of the said list, and to give communication of the assessment and tax rolls and other records, under the penalty mentioned in article 68.

Fraudulent
titles.

70. If, upon sufficient evidence, the recorder be of opinion that a property has been leased, ceded or transferred, in virtue of any title whatever, for the purpose of giving to a person or persons the right to be entered on the electors' list, he shall, upon a complaint being made in writing to that effect and upon evidence under oath being adduced, strike from the said list the name of such person.

Corrections
to be
authorized.

71. Every insertion, erasure or correction made in the electors' list, when the same is being examined and the complaints are being heard, as aforesaid, shall be certified by the recorder's initials or *paraphe* written in ink.

Complaints
to be filed.

72. At the time fixed for the revision of the electors' list as aforesaid, the city clerk shall lay before the recorder all the complaints filed in his office, as aforesaid.

When
revision
to be
completed.

73. The revision of the list of the polling-divisions of the city shall be completed at least two days before the date fixed for the nomination of candidates at elections held under this charter.

Certificate
after list
revised.

74. As soon as the recorder shall have revised such list as aforesaid, he shall affix thereto a certificate, as per form No. 3, which said certificate shall be countersigned by the city clerk, and such list shall thereupon come into force, and shall so remain in force until a new list be made and put in force in virtue of this charter.

May be
affixed
by stamp.

The certificate and signature of the recorder may be affixed, by means of a stamp, by a municipal officer designated by the recorder.

75. No person shall be entitled to vote at any election to be held under the provisions of this charter, other than a person whose name, at the time of voting, appears on the electors' list in force. Persons entered, alone entitled to vote.

76. At any time, before the 18th of January, the recorder shall have power and authority to correct purely clerical errors in the names of the electors or errors in the appending, by the city treasurer, of the capital letters at the end of the names of the electors as hereinbefore provided, by placing the words "good vote" (*bon vote*) opposite the name, with his initials.

77. When the electors' list for each of the polling-divisions of the city shall be in force as aforesaid, even though the assessment and valuation roll or tax roll upon which it is based should be defective, or should be annulled or quashed, the same shall, during the time it remains in force, be deemed to be the only correct electors' list for the polling-division to which it relates. Validity of the list.

78. No informality in the preparation, completion, revision or putting into force of the list shall have the effect of invalidating the same, unless an actual injustice results therefrom. Informalities not to affect the list.

SECTION VII

MUNICIPAL ELECTIONS

1.—General Provisions

79. All municipal elections to be held under this charter shall be held under the system of proportional representation with the single transferable vote, as hereinafter set out. Principles applicable.

80. Every municipal election at which a new city council is to be elected shall be entitled "General Municipal Election". Every other municipal election shall be entitled "Special Municipal Election". General and special elections.

81. The polling day for the general municipal elections shall be the first Monday of April, or, if such day be a non-juridical day, then on the next following juridical day, in every fourth year, beginning in the year 1925. Date for general elections.

82. However, the polling day for the first general municipal election to be held under the provisions of this First general election.

charter shall be on the third Monday of October, 1921, and, if such day be a non-juridical day, then on the next following juridical day, and the members of the city council elected at such election shall remain in office until the proclamation of the election of their successors in accordance with the provisions of this charter.

Delay
for the
preparation
and
revision
of the list.

83. In respect of such first general municipal election, two months from the date of the coming into force of this charter shall be allowed for the preparation of the electors' list, and one month for the revision thereof. The nomination of candidates and other proceedings preliminary and incidental to a municipal election shall be made, for such election, in such a way as to agree with the date fixed by article 82 in respect of the delays provided for ordinary elections.

Special
elections.

84. The day upon which any special municipal election shall be held shall be fixed by resolution of the city council in accordance with the provisions of this charter.

Electoral
board
and its
duties.

85. 1. An electoral board is hereby constituted consisting of the city clerk, the chairman of the board of assessors of the city, and the city treasurer, of which board the city clerk shall *ex-officio* be chairman; and the said board is hereby charged with the preparation of the electoral lists, municipal or provincial.

Conduct of
elections.

2. The electoral board shall have charge of conducting all municipal elections, general or special, and shall see that the provisions of this charter in reference thereto are carried out, and shall generally fulfil all duties inherent in or incidental to their functions. It may, for such purposes, retain the services of such assistants, experts or employees as it may deem necessary, and, subject to the approval of the council, fix their remuneration.

Preparation
of jury
list.

3. The city council may charge the electoral board with such other work as is relevant to the functions of such board, including the preparation of the list of jurors in the city.

2.—Returning-Officer and Election Clerk

City
clerk
to be
returning-
officer.

86. The city clerk shall be the returning-officer for every election held under the provisions of this charter; and in applying the different sections thereof relating to elections to be held under this charter, the words "returning-officer" shall mean the "city clerk".

Oath

The clerk, before acting as returning-officer, shall make

oath, before the mayor or a justice of the peace, that he ^{to be} will faithfully and impartially perform his duties. ^{taken.}

87. Thirty days before the date of the election, the ^{Election-} city clerk shall appoint a competent person by com- ^{clerk, etc.} mission under his hand, as per form No. 4, as his election clerk to assist him in the discharge of his duties. He shall moreover give public notice, within the same period, of the time and place for the nomination of candidates.

88. Before acting in his official capacity, the election ^{Oath of} clerk shall take the oath mentioned in form No. 5, before the ^{election-} returning-officer or a justice of the peace, who shall there- ^{clerk.} upon give him a certificate thereof according to form No. 6.

89. Should the election-clerk die or be prevented from ^{New} performing the duties of his office by sickness, absence or ^{election-} any other unforeseen cause, or should he refuse to con- ^{clerk} tinue in such office, or neglect to perform the duties ^{in certain} thereof, the returning-officer shall, in the same manner, after annulling his first appointment, appoint another competent person to be his election clerk. ^{cases.}

The new-election clerk, after being sworn as provided ^{His duties.} by article 88, shall be bound to perform all the duties and obligations of such office under the same penalties as the former, in case of refusal or neglect on his part.

90. Whenever the returning-officer is incompetent, or ^{When} becomes unable to perform the duties of his office, or refuses ^{the} to discharge the same, and has not been replaced by another ^{election-} person, the election-clerk shall act as returning-officer ^{clerk acts} as for the election in the same manner and to the same effect ^{as} as if he had been duly appointed to that office, and shall ^{returning} fulfil all the obligations thereof, under the same penalties ^{officer.} as those enacted in relation to the returning-officer, without being bound, however, to take any further oath.

91. In the event of the returning-officer being replaced, ^{Clerk to} the election-clerk shall continue in office unless he is re- ^{continue} placed by another in the discretion of the new returning- ^{unless} officer, in the manner above mentioned. ^{replaced.}

92. The electoral board of the city shall, on or before ^{Appoint-} the day previous to an election, appoint a staff of competent ^{ment of} supervisors with a sufficient number of "sorters" for the ^{sorters, etc.} purpose of counting the ballots cast at the election to be held.

3.—*Nomination of Candidates.*

Nomina-
tion paper.

93. Every candidate for the office of councillor shall be nominated by means of a nomination-paper drawn up in accordance with the provisions of this charter and with form No. 7.

Dates for
filing.

94. All papers or documents comprising a nomination-paper shall be assembled and filed as one instrument in the office of the city clerk during office hours not earlier than thirty nor later than twenty days before the polling day of said election.

Nomination
paper for
councillor.

95. Each nomination-paper for the office of councillor shall be signed by at least two hundred electors qualified to vote in such electoral district, and whose names are registered on the electors' list in force, and shall mention the name, residence and occupation of the candidate.

Mark
in place of
signature.

96. The mark affixed upon the nomination-paper by any elector unable to write, shall be deemed to be the signature required, according to the meaning of this charter.

Consent of
candidate.

97. Any person duly nominated shall file with the city clerk his written acceptance of said nomination, signed in the presence of one or more witnesses not later than twenty days before the polling day for the election; and in the absence of such acceptance his name shall not appear on the ballot.

When
absent.

98. In the event of a person nominated being absent from the Province, his acceptance may be communicated to the city clerk by cable, letter or telegram.

Documents
to be
filed
with
nomination
paper.

99. With every nomination-paper there shall be filed a certificate from the city treasurer, showing that the candidate is not indebted to the city for taxes, assessments on immoveables or water-rates.

The nomination-paper shall also be accompanied by the solemn declaration contained in form No. 7.

Form of
nomination
paper.

100. 1. The signatures to the nomination-paper need not all be appended to one paper, but each separate paper shall contain the name of the candidate; and there shall be attached thereto and to each such document one or more affidavits as per form No. 8 of the circulators or one of the circulators thereof, stating the number of signers on

such paper, and that such signatures appended thereto are the signatures of persons entered on the electors' list in force, and were made in his presence and are the genuine signatures of the persons whose names they purport to be.

2. With each signature shall be stated the place of residence of the signer, giving the street and the number or other sufficient description to identify him.

101. The written acceptance of nomination by a candidate shall likewise have attached thereto the affidavit of the attesting witness, or one of them, if there are more than one, establishing that the said acceptance was signed by such candidate in the presence of the deponent. This requirement shall not apply to nominated candidates who are absent from the Province.

Affidavit as to consent of candidate. Proviso.

102. If the nomination-paper be produced by the candidate personally, the returning-officer shall require him to make oath that the signature subscribed to the acceptance produced is his own signature, and such oath shall be written at the bottom or endorsed on such nomination-paper, and, in such case, no other affidavit shall be required as to the consent of the candidate.

Oath of candidate.

103. No nomination-paper shall be valid unless it is made and delivered in conformity with the formalities prescribed by this section.

Validity of nomination paper.

104. After accepting and examining the nomination-paper, the returning-officer shall within three days state whether or not he considers that it satisfies all the prescribed conditions, and shall inscribe thereon, over his signature, the word "admitted" or the word "rejected" and, in the latter case, shall also state his reasons for rejecting the same.

Declaration of returning-officer.

105. If the returning-officer shall reject any nomination-paper, he shall immediately notify the candidate or elector who filed it, and allow him three days in which to remedy the defects therein and to satisfy the prescribed conditions.

Correction of nomination paper.

106. The receipt which the returning-officer shall give on demand shall be sufficient proof that the nomination-paper and the written acceptance of the candidate have been regularly produced.

Receipt makes proof of production.

107. If, at the expiration of the delay fixed for the

Election of

candidates
in certain
cases.

nomination of candidates for the office of councillor, the number of candidates nominated in any electoral district does not exceed the number of seats to be filled, such candidates shall *ipso facto* be elected, and it shall be the duty of the returning-officer to forthwith proclaim such candidates elected and to give public notice of such election not later than the following day.

Poll to be
granted if
more
candidates.

108. If more candidates are nominated than are required, it shall be the duty of the returning-officer to grant a poll, but no person shall be elected who shall not have been nominated in the manner herein provided.

Votes for
others null.

109. All votes for persons other than those so nominated shall be null.

With-
drawal of
candidate.

110. Any candidate nominated as councillor may, at any time before the closing of the poll, withdraw by filing with the city clerk a written declaration to that effect, signed by such candidate in the presence of two witnesses, who shall also sign the same; and, in such case or in case of death of any candidate nominated, it shall be the duty of the returning-officer, on receiving such declaration or proof of death, to make known such withdrawal or death by public notice; and if the number of candidates, then remaining does not exceed the number of seats to be filled, the returning-officer shall thereupon proclaim such candidates to be duly elected, and, in the latter case, all proceedings in connection with such election shall be discontinued; but such proclamation, which must be published within forty-eight hours from the filing of the letter of resignation or evidence of the death of a candidate in the hands of the clerk, shall have effect only from the day on which it is published in the newspapers.

Notice
thereof.

Procla-
mation.
When
to be
published,
etc.

Effect
thereof.

4.—*Preliminary Proceedings*

Notice
of date of
elect ions.

111. Ten days at least prior to the voting, the city clerk shall give public notice, as provided by this charter, of the date of the election.

Contents
of notice.

The said notice shall indicate the names, residences and occupations of the persons nominated, in the order in which they are or will be printed on the ballot-papers to be used at the polling, and the order of such names shall be alphabetical.

Instruc-
tions

112. The returning-officer shall at the same time publish printed instructions for the guidance of electors in

voting, which shall be drawn up according to form No. 12. to electors.

Such instructions shall be printed in conspicuous characters, together with examples of validly marked ballots.

113. The returning-officer shall, between the day of the close of nominations and the day of the election, open and keep a sufficient number of information bureaux for the electors as may be determined by the electoral board, and send to the electors cards or letters indicating the place where they are to vote. Such cards or letters shall be sent to the address mentioned on the voters' list or to any other place where, in the opinion of the returning-officer, the elector is most likely to be reached. But any error or omission committed by the city clerk or his representatives in connection with the transmission of such notice cannot in any wise invalidate the election of any candidate nor give rise to any recourse whatsoever either against the city or against the city clerk or his representatives.

5.—*Deputy-Returning-Officer*

114. When voting shall be necessary, the returning-officer shall appoint by commission under his hand, as per form No. 9, a competent person to act as deputy-returning-officer, at each poll.

115. If a deputy-returning-officer dies or is prevented from discharging the duties of his office by sickness, absence or other cause, or if he refuses to accept such office, or neglects to discharge the duties thereof, the returning-officer shall appoint another person competent to act as deputy-returning-officer, and cancel his first appointment.

The new deputy-returning-officer shall be bound to discharge all the obligations of such office under the same penalties as the first in case of refusal or neglect.

116. Each deputy-returning-officer shall, before acting as such, take and subscribe, before the returning-officer or before a justice of the peace, the oath set forth in form No. 10; and a certificate, according to form No. 11, of the taking of such oath, signed by the returning-officer or justice of the peace, shall be delivered to him by the person administering the same. He shall keep them and return them with the other election documents as hereinafter provided.

117. It shall be the duty of the returning-officer to furnish to each deputy-returning-officer a copy or extract

furnish
list.
To be
certified.

from the electors' list in force, containing the names of the electors entitled to vote at the poll for which he is appointed.

Each copy of an extract from the list shall be certified, either by the returning-officer or by the election-clerk.

New
list
if lost.

118. If the list, copy or extract in the possession of any deputy-returning-officer is lost or destroyed, it shall be the duty of the returning-officer to provide another certified copy or extract from the electors' list for such deputy-returning-officer.

Ballot-
box.

119. The returning-officer shall, at least two days before the voting, deliver to each deputy-returning-officer a ballot-box to receive the ballot-papers of the electors.

How
made.

Such ballot-box shall have a slit or narrow opening in the top, and be so constructed that the ballot-paper may be introduced therein, but not withdrawn therefrom without opening the box, and shall be made of durable materials, with lock and key.

Deputy-
returning-
officer to
cause
one to be
made,
if not
furnished.

120. When the returning-officer has not supplied the deputy-returning-officer with a ballot-box within the delay prescribed in article 119, or if the same be taken away or lost, it shall be the duty of the latter to cause one to be procured at once, at the expense of the city.

Ballot-
papers
to be
furnished
by return-
ing officer.

121. The returning-officer shall furnish the deputy-returning-officer of each poll with a number of ballot-papers sufficient to supply the number of electors entitled to vote at such poll, and with the necessary materials for the voters to mark their ballot-papers.

Description.

All ballot-papers shall be of the same description, and, as nearly as possible, alike.

Form of
ballot-paper.

122. The ballot-paper of each elector shall be a printed paper with an annex, drawn up according to form No. 12 or other form as the council may select, specifying in alphabetical order the names and designation of the candidates, as contained in the nomination-paper of each candidate.

Paper to be
used.

The ballot-paper must be printed on paper sufficiently thick to prevent the pencil mark from being discernible from the reverse side thereof.

Table in
compartment.

123. A table or desk with a smooth surface shall be provided, in the private compartment, whereon the ballot-paper is to be marked.

Pencil.

124. The same kind of pencil must be used throughout the voting.

125. 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 in ink, the name of the candidate who has retired, and such ballot-papers shall validly serve for all the purposes of the election. Use of ballots with name of retired candidates thereon.

126. The ballot-papers must be bound or stitched so as to form a book, and be numbered on the annex by the printer from No. 1 to No. 250. Ballots stitched in a book, etc.

127. The returning-officer shall also furnish to each deputy-returning-officer at least ten copies of the printed directions for the guidance of electors in voting. Directions.

128. The deputy-returning-officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up outside of the polling-place and in each voting compartment of the poll. Posting up.

6.—Poll-Clerks

129. Each deputy-returning-officer shall, without delay, appoint, by a commission under his hand, according to form No. 13, a competent person as poll-clerk, to assist him in the execution of his duties. Appointment of poll-clerk.

If the poll-clerk dies, or is prevented from executing his office by illness, absence or other cause, or if he refuses to accept such office, or neglects to discharge the duties thereof, the deputy-returning-officer shall appoint another competent person to act as poll-clerk, and shall cancel his first appointment. New poll-clerk in certain cases.

The new poll-clerk shall be bound to discharge all the obligations of such office, under the same penalties as the first, in case of refusal or neglect. His duties.

Every poll-clerk shall, before acting as such, take and subscribe, before the returning-officer or the deputy-returning officer who appointed him, or before any justice of the peace, the oath set forth in form No. 14. Oath.

A certificate of the taking of such oath shall be delivered to him according to form No. 15, by the person administering the same, and under his hand. Certificate thereof.

The poll-clerk, at the poll for which he shall have been appointed, shall be bound to aid and assist in the execution of his duties the deputy-returning-officer appointed to keep the poll at such place, and to obey the orders of such deputy-returning-officer. Duties of poll-clerk.

Replacing
the
deputy-
returning-
officer in
certain
cases.

130. In the event of the deputy-returning-officer refusing or neglecting to discharge the duties of his office, or becoming unable to discharge such duties, and in the event of no other deputy-returning officer, appointed instead of the former, presenting himself at the poll, the poll-clerk shall, under the same penalties as those imposed upon a deputy-returning-officer, act as deputy-returning-officer without being obliged for such purpose to take any new oath, and shall fulfil all the duties and the obligations thereof, in the same manner as if he had been appointed deputy-returning-officer.

Appoint-
ment of
new
poll-clerk.

131. Whenever any poll-clerk shall act in the case provided for in article 130, he shall have power to appoint, by commission under his hand, according to form No. 16, another person as poll-clerk to aid and assist him, and shall administer to such person the oath required of a poll-clerk under this charter.

Duties.

Such poll-clerk shall have the same obligations to discharge as if he had been appointed by the deputy-returning-officer, and shall incur the same penalties in the event of refusal or neglect.

7—Voting

Place
of voting.

132. The voting shall take place in a room or building convenient of access, preferably in a public building with a door for the admission of the voters, and having, if possible, another for exit.

Voting
compart-
ments.

133. One or more compartments shall be made within the room, so arranged that each voter may be screened from observation, and so that he may mark his ballot-paper without interference or interruption from any person whatever.

Polling
hours.

Each deputy-returning-officer shall open the poll assigned to him at the hour of nine o'clock in the forenoon, and shall keep the same open until eight o'clock in the afternoon.

Receiving
of votes.

He shall, during that time, receive, in the manner herein-after prescribed, the votes of the electors duly qualified to vote at such poll and applying to vote thereat.

Who
may
remain
in the
room.

134. In addition to the deputy-returning-officer and the poll-clerk, no person other than the candidate or his agent authorized in writing, shall be permitted to remain in the room where the votes are given during the time the poll remains open.

Examina-
tion of
ballot-box.

135. At the hour fixed for opening the poll, the deputy-returning-officer and the poll-clerk shall, in the presence of

the candidates, or their agents, open the ballot-box and ascertain that there are no ballots or other papers in the same.

The box shall immediately thereafter be locked, and the deputy-returning-officer shall keep the key thereof. Locking thereof.

136. Immediately after the box shall have been locked the deputy-returning-officer shall, at nine o'clock in the morning precisely, call upon the electors to vote. Voting.

137. It shall be the duty of the deputy-returning-officer to facilitate the admission of every elector into the poll, and to see that he is not impeded or molested in or about the poll. Facility of voting.

138. The deputy-returning-officer only may, and shall when required so to do, sincerely and openly give to an elector the information necessary to show him how to make his mark or figures, but without the slightest indication of preference or suggestion, to any elector. Information, etc., to be given to electors.

139. Each elector, on entering the room where the poll is held, shall declare his name, surname and occupation, which shall be at once recorded in a poll-book to be kept for that purpose by the poll-clerk, in the form No. 18, and only one elector at a time shall be admitted to each compartment. Recording of name in poll-book.

140. If such name be found on the list of electors for such poll, the number of the ballot given to the elector must be entered in the poll-book beside the name of the voter. Recording number of ballot-paper.

141. The voter shall receive from the deputy-returning-officer a ballot-paper on the back of which the deputy-returning-officer shall previously put his initials. Delivery of ballot-paper.

142. Nevertheless, any elector so presenting himself shall, before receiving his ballot-paper, if thereunto required by the deputy-returning-officer, the poll-clerk, one of the candidates, or his agent, take, before being allowed to vote, the following oath or affirmation, and, under such oath or affirmation, answer in the affirmative to questions numbers 1, 2 and 3, and in the negative to questions numbers 4, 5 and 6, of the following form: Oath of elector if required.

FORM OF OATH OR AFFIRMATION

"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: Form of oath.

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-division?

2. Are you a British subject?

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

4. Have you already voted to-day at this election for councillors at this or any other poll in this electoral district?

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

6. 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 not to vote at this election, or in relation to your vote at this election?"

If oath
tendered
in cases of
identifica-
tion only.

143. In cases where it is only necessary to identify the elector, it shall be sufficient, after the oath has been taken, to ask him the first of the questions mentioned in article 142.

No ballot if
oath not
taken.

144. No ballot-paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in article 142 or article 143 when thereunto required.

Oath
exacted by
deputy-
returning-
officer in
certain
cases.

145. Whenever any deputy-returning-officer has reason to know or believe that any person presenting himself to vote has already voted at the election, and presents himself with the view of voting again, or that such person desires to vote under a false name or designation or falsely gives himself out or represents himself as entered upon the list of electors, 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 a fine of two hundred dollars, and, in default of payment, imprisonment of not more than twelve months; and, in such case, mention is made of such formality by adding after the word "sworn" these words: "in virtue of article 145".

Mode
of voting.

146. An elector, on receiving the ballot-paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot-paper with a pencil and deal with it in the following manner:

How the
elector
shall
vote.

a. He shall place on his ballot-paper the figure "1" in the space of the ballot opposite the name of the candidate of his first choice; provided that should an elector mark a cross opposite the name of not more than one candidate,

and should he not have placed the figure "1" opposite the name of any candidate, then such cross shall be held as equivalent to the figure "1" and as indicating the candidate of the elector's first choice;

b. He may in addition, if he wishes to express also a second, third or other choices, place on his ballot-paper the figure "2" opposite the name of his second choice, the figure "3" opposite the name of his third choice, and so on in the order of his preference. He may thus express as many choices as there are candidates;

c. Thereafter he shall fold the ballot-paper so that the initials of the deputy-returning-officer endorsed on the back may be seen without unfolding it, and shall hand it to the deputy-returning-officer, who shall, by examination of his initials, without unfolding it, and of the printed number on the annex, ascertain that such ballot-paper is that supplied by him to the elector, and after having detached the annex he shall immediately and in the presence of the elector place the ballot in the ballot-box.

147. The poll-clerk shall enter, in the poll-book, Entries opposite the name of each elector presenting himself to in poll-book vote,—

a. the word "voted," as soon as the elector's ballot-paper has been deposited in the ballot-box;

b. the word "sworn," or "affirmed," if the elector has taken the oath or affirmation;

c. the words "refused to be sworn" or "refused to affirm" if the elector has refused to take the oath or affirmation.

148. The deputy-returning-officer on application only Aid in of an elector who is unable to read or write, or is in- preparing capacitated, by blindness or other physical cause, from ballot-papers. voting in the manner prescribed by this charter, shall assist such elector in the following manner,—

a. by marking his ballot-paper in the manner directed by such elector in the presence only of the sworn agent of each candidate;

b. by placing such ballot-paper in the ballot-box.

149. If there be any doubt as to the alleged incapacity, Oath or if so required, the deputy-returning-officer shall, before required receiving the vote, require the elector to take an oath or in such affirmation as to his incapacity according to the following cases. form, to wit:

"I solemnly swear (or affirm) that I cannot alone and Form of oath.

without assistance make the required numbers upon my ballot-paper as I desire to do."

Mention
thereof
in the
poll-book.

150. Whenever a voter has had his ballot-paper marked in conformity with article 148, mention of the fact shall be made in the poll-book opposite the name of such voter.

Vote of
election
officer
upon
certificate.

151. Any person who is entitled to vote in the election which is being held, and who has been appointed deputy-returning-officer, poll-clerk, or polling-agent of one of the candidates, for a poll other than the one where he is entitled to vote, shall, on request, receive from the returning-officer a certificate showing such right to vote and authorizing him to vote at the poll where he is employed, but he shall, before voting, make oath that he has not voted elsewhere and is duly qualified as required by-law.

Oath
to be
taken.

Manner
of voting
upon
certificate.

152. On the production of such certificate such person, if actually and in good faith employed at a poll, as deputy-returning-officer, poll-clerk or candidate's polling agent, may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote. But the deputy-returning-officer must not, under penalty of a fine of one hundred dollars for each infraction, allow more than one agent for each candidate so to vote, under such certificate, at the poll kept by him.

Entry in
poll-book.

Mention shall be made in the poll-book, opposite the name of such voter, of the fact of his having voted in virtue of this article under such certificate.

Certificate
when
given.

Such certificate is given by the returning-officer to polling agents only upon the written power of attorney of one of the candidates.

Spoiled
ballot-
paper.

153. If an elector has inadvertently marked, spoiled or torn the ballot-paper given him, in such manner that it cannot be conveniently used, he may, on returning the same to the deputy-returning-officer, obtain another ballot-paper; provided he has not by such means disclosed his vote.

Votes
tendered
after
previous
vote in
same
name.

154. If a person, representing himself to be an elector named on the list of electors, applies for a ballot-paper after another person has voted as such elector, the applicant, upon taking the oath or affirmation specified in article 142, shall be entitled to vote as any other elector.

Entry in
poll-book.

155. Mention shall be made in the poll-book of the fact that the voter has voted on a second ballot-paper

issued under the same name, and that, on demand, he has taken the oath required or affirmation mentioned in article 154, and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate.

156. Whenever the deputy-returning-officer does not understand the language spoken by any 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. Interpreter.

157. 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. Delay to be avoided.

The deputy-returning-officer shall compel the voter to quit the poll forthwith after voting, and, in default of so doing, shall be personally liable to a fine of twenty dollars and in default of payment to an imprisonment of three months upon summary conviction at the suit of any rate-payer. Penalty.

158. No elector shall be allowed to take his ballot-paper out of the poll, under the penalty of being *ipso facto* deprived of his vote at that election, and of further incurring a penalty not exceeding two hundred dollars, and imprisonment not exceeding six months in default of payment. Taking ballot-paper away prohibited.

159. No person shall, directly or indirectly, induce any voter to display his ballot-paper after he has marked the same, so as to make known the name of the candidate for or against whom he has so marked his ballot-paper. Exhibiting it also prohibited.

160. An elector who causes to be made known any mark or figure on his ballot, *ipso facto* loses his right to vote and to have it deposited in the ballot-box. Such ballot is placed among those to be rejected and note thereof is taken in the poll-book. Loss of right to vote in such case.

161. With the exception of the case provided for in article 148, no person shall interfere with or attempt to interfere with an elector when preparing his ballot-paper, or otherwise make any attempt to obtain information at the poll as to the name of the candidate for whom any elector at such poll is about to vote or has voted, nor endeavor to discover the number of the ballot or the marks or numbers made by the elector. Interference prohibited.

Oath of
secrecy
to be
taken by
certain
persons.

162. Every election officer, candidate, and agent in attendance in a poll and taking part therein, shall previously take the oath of secrecy in the form No. 19, before the deputy-returning-officer; if he refuses so to do, he shall be excluded from the poll. He shall maintain and aid in maintaining the secrecy of the voting at such poll; but it shall be lawful for him to give to any candidate or his authorized representative the names of the electors who have voted or not.

Secrecy
as to
voting:

163. No election officer, candidate, agent, elector, or other person shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted.

Penalty for
contra-
vention.

164. Whosoever acts in contravention of any of the provisions of articles 161, 162 or 163, shall be liable to a penalty not exceeding two hundred dollars, and imprisonment not exceeding six months in default of payment, or both together, with or without hard labour.

Penalty for
certain
offences.

165. Whosoever,—

1. fraudulently puts into any ballot-box any paper other than the ballot-paper which he is authorized by law to put in; or
2. fraudulently takes out of the poll any one or more ballot-papers; or
3. attempts to commit any of the acts specified in this article; or
4. forges, counterfeits, fraudulently alters or defaces or destroys any ballot-paper or the initials of the deputy returning-officer signed thereon, or destroys, takes, opens or manipulates without authority any ballot-box or parcel of ballot-papers in use or having been in use at any election, or who, without authority, supplies any ballot-paper to any person or procures the same for himself, in view of the election; or
5. attempts, assists, provokes, counsels or facilitates the commission of any of the above mentioned offences,—

shall, for each offence, incur,—

Penalty.

a. if an election officer or other person engaged in the election, a penalty of one thousand dollars, and imprisonment for two years in default of payment, or both together with or without hard labor; or

b. if any other person, a penalty of five hundred dollars, and imprisonment for six months in default of payment, or both together, with or without hard labor.

166. Any deputy-returning-officer who delivers to any person, presenting himself as an elector at a poll, a ballot-paper upon the back of which the said deputy-returning-officer shall not have put his initials, or shall have improperly placed his initials in contravention of article 141, or upon which the said deputy-returning-officer shall have placed any words or marks other than such as are required by the said article 141, or required in case of resignation or death of a candidate, shall be liable, on summary conviction, to a penalty not exceeding ten dollars and costs for each offence, and in default of payment to imprisonment not exceeding ten days. Penalty against deputy-returning-officer for certain offences.

167. No person shall, in any legal proceeding, be required to state for whom he has voted at any election. Vote not to be disclosed.

168. No elector, summoned as a witness before any judge or tribunal whatever in this Province, shall be compelled to be or appear before such judge or tribunal on the day during which voting takes place. Witnesses need not appear on polling day.

169. On the day of any election, any elector may quit his work on which he is employed in any capacity whatsoever for a period of two hours for the purpose of registering his vote; and it shall not be lawful for his employer to reduce his salary directly or indirectly on account of such absence. The day fixed for general municipal elections may be declared by the council a civic holiday. Electors may quit work to vote between certain hours.

8.—Counting the Ballot-Papers

170. At eight o'clock in the evening, the voting room shall be closed, the voting shall cease, and an entry thereof shall be made in the poll-book. Hours to close voting.

171. Immediately thereafter, the deputy-returning-officer shall, in the voting room and in the presence of the poll-clerk, and of the candidates or such of their respective agents as may lawfully be present, open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate as first preference in accordance with the provisions of this charter. Counting the ballot-papers.

172. The deputy-returning-officer, on reading and counting the ballot-papers, shall set aside as void and exclude from his count: Rejected ballot-papers.

1. All ballot-papers which are not those supplied by him;

2. All those upon which the figure "1" or a cross is not marked opposite the name of any candidate;

3. All those upon which the figure "1" or a cross is opposite the name of more than one candidate;

4. All those upon which the figure "1" or a cross, and some other figure, is set opposite the name of the same candidate;

5. All those upon which there are any writings, marks, or indications by which the voter might be identified;

6. All those left in blank or marked in an uncertain manner;

7. All other ballot-papers which may have been presented to him but which do not have his initials thereon.

Parcel.

173. 1. All ballot-papers rejected shall be placed in a separate parcel, counted, and the number recorded.

Parcels
for
valid
papers.

2. All the valid ballot-papers remaining shall be examined and arranged in parcels according to the names of each candidate marked with the figure "1" or with a cross, in accordance with article 172.

How
counted.

3. The deputy-returning-officer shall then count the numbers of ballot-papers in each parcel of valid ballot-papers, and credit each candidate with one vote in respect of each valid ballot on which a first preference has been recorded for him, and shall attach to each parcel of valid ballot-papers a card bearing the number of the polling-division, the name of the candidate and the number of valid ballots counted for him; and shall similarly endorse the parcel of rejected ballot-papers.

Publication
of results.

4. After the number of votes recorded for each candidate as a first preference has been ascertained, the result may be announced to the public.

Statement
of
ballot-
papers.

174. After the remaining ballot-papers have been counted and a list made of the number of votes given as first preference to each candidate and of the number of ballot-papers set aside as void, the deputy-returning-officer shall place in separate envelopes or parcels,—

a. the ballot-papers cast for each candidate as first preference;

b. the ballot-papers set aside by him as void;

c. the spoiled ballot-papers and those unused;

d. the annexes.

Documents
to be
placed in
the box.

175. All these parcels, after having been endorsed so as to indicate their contents, and initialed, shall be put back into the ballot-box.

176. The deputy-returning-officer shall take a note of any objection to any ballot-paper found in the ballot-box, made by any candidate or his agent, and shall decide at once any question arising out of the objection, but such decision may be reversed or modified by the returning-officer, whose decision shall be final, and shall only be reversed on petition, contesting the election or return, or on a recount before the judge. Objections noted and decided.

177. Each objection shall be numbered, and a corresponding number placed on the back of the ballot-paper, and initialed by the deputy-returning-officer. Objections to be numbered.

An entry at the end of the poll-book is made of each objection and its nature. Entry in poll-book.

178. The deputy-returning-officer shall thereupon make up a written statement, which statement shall be made under the several heads following: Statement of ballot-papers and votes.

- a. Place and date of election;
- b. Number of first preference votes for each candidate;
- c. Number of ballot-papers set aside as void;
- d. Number of ballot-papers spoiled, declined or taken away;
- e. Number of unused ballot-papers;
- f. Number of ballot-papers received from the city clerk or electoral board.

179. Such statement shall be signed by him and his clerk and such candidates or their agents as may lawfully be present and desire to sign, and be deposited in the ballot-box, and he shall make a duplicate thereof, which shall be also signed by him and his clerk and such candidates or their agents as may lawfully be present and desire to sign, and given to the returning-officer, and he shall deliver a certified copy thereof gratuitously to each of the candidates, or to the agent of each candidate who took part in the counting of the ballots and who apply therefor. Original to be placed in ballot-box.
Duplicate.

180. The deputy-returning-officer and the poll-clerk shall respectively take the oath according to forms No. 20 and No. 21, each taking the oath proper to him. Oaths of deputy-returning-officer and poll-clerk.

Such oath may be administered to the deputy-returning-officer by the poll-clerk.

181. He shall also place in the ballot-box all the lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors. Documents to be placed

in the
ballot-box.

ber of electors who voted on such list. The poll-book, his commission, that of the poll-clerk, their oaths of office, the respective parcels, properly endorsed and bound, of all ballot-papers counted by him, the rejected ballot-papers, and all other lists or documents that may have been used or required at such election, shall also be placed, by the deputy-returning-officer, in the ballot-box for delivery to the returning-officer.

The ballot-box shall then be locked and sealed in the presence of the same witnesses, and shall be returned without delay to the returning-officer or to the election-clerk by the deputy-returning-officer personally or by the poll-clerk.

Secrecy at
counting.

182. Every election officer, candidate, agent or elector in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting; and none of such persons shall attempt to ascertain at such counting the name of the voter whose vote is given by any particular ballot-paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty
for
contra-
vention.

183. Whosoever shall act in contravention of any provision of article 182 shall be punishable by a penalty not exceeding two hundred dollars and imprisonment not exceeding six months in default of payment.

9.—Close of the Election

Suitable
quarters
for
counting
ballots.

184. The electoral board, before the close of the polls in any election, shall provide suitable quarters which shall be ample and sufficient for counting the ballot-papers received from all the deputy-returning-officers of the city.

Persons
admitted.

185. No person shall be allowed in the room or place where the counting of the ballots is taking place, except:

1. The city-clerk acting as returning-officer, and the election clerk;
2. Other members of the electoral board;
3. The deputy-returning-officers, in the discharge of their duties and if requested by the returning-officer;
4. Supervisors and sorters, duly appointed;
5. The candidates, or, in the absence of any candidate, his agent duly authorized in writing.

Loss of
boxes.

186. If the ballot-boxes, or any of them, have been

destroyed or lost or are not forthcoming, the returning-officer shall, without adjourning, unless it be from day to day, ascertain, with all possible diligence, the cause of the disappearance of such ballot-boxes, and shall procure from the deputy-returning-officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this charter, or copies thereof.

Each of such documents shall be verified on oath taken before the returning-officer. Verification of documents.

187. If, in the case of article 186, the lists, statements or certificates or copies thereof cannot be obtained, the returning-officer shall ascertain by the best evidence which he may be able to obtain, the total number of votes given as first preference to each candidate at the several polls where ballot-boxes or documents are missing. Manner of ascertaining number of votes given in such case.

188. In the case of articles 186 and 187, the returning officer shall state, in his return, the circumstances attending the disappearance of the boxes and documents, and the means adopted by him to establish the number of votes polled for each candidate. Report of returning officer in such case.

189. Whenever the following words occur in the articles of this charter referring to elections they shall, unless the context otherwise requires, be understood as follows: Interpretation:

1. The expressions "ballot-paper," "ballot," and "paper," mean ballot-papers of the form provided by article 122; "Ballot-paper";
2. The expression "first preference" means the figure "1" or the mark "X"; the expression "second preference" means the figure "2"; and the expression "third preference" means the figure "3", set opposite the name of any candidate, and so on; "First preference," etc";
3. The expression "original vote" in regard to any candidate means a vote derived from a ballot-paper on which a first preference is recorded for such candidate; "Original vote";
4. The expression "transferred vote" in regard to any candidate means a vote derived from a ballot-paper on which a second or subsequent preference is recorded for such candidate; "Transferred vote";
5. The expression "surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota; "Surplus";
6. The expression "continuing candidate" means any candidate not elected and not excluded from the poll. "Continuing candidate";
7. The expression "transferable paper" means a ballot- "Transferable paper";

paper on which a second or subsequent preference is recorded for a continuing candidate;

“Non-transferable paper”;

8. The expression “non-transferable paper” means a ballot-paper on which no second or subsequent preference is recorded for a continuing candidate;

“Supervisors and sorters”.

9. The expressions “supervisors” and “sorters” mean the persons appointed as such under the provisions of this charter.

Relation of supervisors and sorters to city clerk, or electoral board.

190. Whenever the city clerk (acting as returning officer) or the members of the electoral board, are directed to do anything or take any proceedings, unless the direction be to the city clerk or electoral board in their personal capacity, such thing may be done or proceeding taken by the supervisors or sorters, provided the same be done under the supervision of the city clerk or electoral board.

What is non-transferable paper.

191. A ballot shall be deemed to be a non-transferable paper in any case in which,—

a. the names of two or more candidates (whether continuing or not) are marked with the same figure, and are next in order of preference; or

b. the name of the candidate next in order of preference (whether continuing or not) is marked:

i. by a figure not following consecutively after some other figure on the ballot-paper; or

ii. by two or more figures.

Opening of ballot-boxes by the city clerk or electoral board.

192. The returning-officer shall personally open, or have opened under his supervision, the ballot-boxes as they are delivered to him by the deputy-returning-officers, and shall record or cause to be recorded the total returns of first preference votes made by the deputy-returning-officers. Such records and the respective parcels of ballot-papers shall then be checked by the supervisors, who shall then deliver the parcels of ballot-papers to the sorters to be sorted under the names of the respective candidates according to the first preference recorded for each, and the total number of valid ballots given in the entire electoral division ascertained. The supervisors shall have charge over and be responsible for the work of the sorters.

Total of valid ballots to be ascertained.

Ballots of candidate who dies before the opening of the ballot-

193. Should any candidate whose name appears upon the ballot on the polling day have died previous to the opening of the ballot-boxes by the returning-officer in accordance with article 192 hereof, such candidate shall no longer be considered a “continuing candidate”, and there-

upon all ballots upon which the name of such candidate is indicated as first preference shall be forthwith transferred and credited to the candidates who appear on each of said ballots respectively as the second preference of the voters casting the same, and all such second preference votes shall thereafter be treated as first preference votes.

boxes;
how
treated.

194. The supervisors shall then divide the total number of valid papers polled in the whole electoral division by a number exceeding by one the number of councillors to be elected, and the result, increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate, hereinafter called the "quota".

Ascertain-
ment of
quota.

195. If at any time the number of votes credited to a candidate be equal to or greater than the quota, that candidate shall be declared elected by the returning-officer.

Candidates
with
quota
elected.

196. If at any time the number of votes credited to a candidate be greater than the quota, the surplus shall be transferred in accordance with the following provisions to the continuing candidates indicated on the ballot-papers in the parcel of such elected candidate as being next in order of the voters' preference.

Transfer
of surplus.

197. 1. If the votes credited to an elected candidate consist of original votes only, the supervisors shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred, and shall arrange the transferable papers in sub-parcels according to the next preference for a continuing candidate recorded thereon.

Transferable
votes.

2. If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the supervisors shall examine the papers contained in the sub-parcel last received by the elected candidate, and shall arrange the transferable papers therein into further sub-parcels according to the next preferences for continuing candidates recorded thereon.

Id.

3. In either case the supervisors shall make a separate sub-parcel of the non-transferable papers, and shall ascertain the number of papers in each sub-parcel of transferable papers and in the sub-parcel of non-transferable papers.

Sub-parcel
of non-
transferable
papers.

198. If the total number of papers in the sub-parcel of transferable papers be equal to or less than the surplus, the supervisors shall transfer each sub-parcel of transferable

Ballot-
papers
transferred
to

containing
candidate,
etc.

papers to the continuing candidate indicated thereon as the voters' next preference.

Transfer
of ballot-
papers
in a
certain
proportion.

199. 1. If the total number of transferable papers be greater than the surplus, the supervisors shall transfer from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of transferable papers.

How this
proportion
is
determined.

2. The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

Id., in
case of
fractional
parts.

3. If, owing to the existence of such fractional parts, the number of papers to be transferred be less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

Which
papers are
transferred.
Indications.

4. The particular papers to be transferred from each sub-parcel shall be those last filed in the sub-parcel.

5. Each paper so transferred shall be clearly marked with the number or order of the count at which the transfer took place.

Transfer
of the
surplus.

200. 1. Subject to the provisions of subsection 4 of this article, a surplus which arises on the completion of any count shall be transferred before a surplus which may arise at a subsequent count.

2. If more than one candidate has a surplus, the largest surplus shall be first dealt with.

Considera-
tion of
original
votes in
case.

3. If two or more candidates each have an equal surplus on the same count, regard shall be had to the number of original votes obtained by each candidate, and the surplus of the candidate credited with the largest number of original votes shall be first dealt with, and, if the numbers of the original votes be equal, the supervisors shall decide by drawing lots which surplus they will first deal with.

In what
case a
surplus
may not be
transferred.

4. Subject to the provisions of paragraph 3 of article 203, supervisors need not transfer the surplus of an elected candidate, when that surplus, together with any other surplus not transferred, is less than the difference between the totals of the votes credited to the two continuing candidates lowest in the poll.

201. 1. If at any time no candidate has a surplus (or when under article 200 any existing surplus need not be transferred), and one or more vacancies remain unfilled, the supervisors shall exclude from the poll the candidate credited with the lowest number of votes, and shall examine all the papers of that candidate, and shall arrange the transferable papers in sub-parcels according to the next preferences recorded thereon for continuing candidates, and shall transfer each sub-parcel to the candidate for whom that preference is recorded. The supervisors shall make a separate sub-parcel of the non-transferable-papers.

Exclusion
of
candidates
lowest on
the poll.

2. If the total of the votes of the two or more candidates lowest in the poll, together with any surplus votes not transferred, be less than the votes credited to the next highest candidate, the supervisors may in one operation exclude such candidates from the poll and transfer their votes in accordance with the preceding paragraph.

Id., their
votes
given to
another
candidate.

3. If, when a candidate has to be excluded under this article, two or more candidates have each the same number of votes and are lowest on the poll, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with fewest original votes shall be excluded; and, where the numbers of the original votes are equal, regard shall be had to the total number of votes credited to those candidates at the first transfer at which they have an unequal number of votes, and the candidate with the lowest number of votes at that transfer shall be excluded, and, where the number of votes credited to those candidates were equal at all transfers, the supervisors shall decide by drawing lots which shall be excluded.

Considera-
tion of
original
votes, in
case of
equal
numbers
of votes.

Id., if
unequal
number
of votes
after the
transfer.

202. 1. Whenever any transfer is made under any of the preceeding articles, each sub-parcel of papers transferred shall be added to the parcel, if any, of papers of the candidate to whom the transfer is made, and such candidate shall be credited with one vote in respect of each paper transferred.

Disposal
of papers
after any
transfer.

2. Such papers as are not transferred shall be set aside as finally dealt with, and the votes given thereon shall thenceforth not be taken into account.

3. If, after any transfer, a candidate has a surplus, that surplus shall be dealt with, in accordance with and subject to articles 196, 197, 198, 199 and 200 before any other candidate is excluded.

Dispositions
applicable
to certain
transfers.

203. 1. When the number of continuing candidates

Filling

the last
vacancies.

is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected by the city clerk or the electoral board.

2. When only one vacancy remains unfilled, and the votes of some one continuing candidate exceed the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected by the city clerk or the electoral board.

Transfer
of ballot-
papers
according
to the next
preferences.

3. The supervisors shall, however, continue to transfer the ballot-papers of the last excluded candidate or candidates according to the next preferences for continuing candidates shown on them for elected candidates who have not already received a quota, and shall make a separate sub-parcel of the non-transferable papers.

Transfer
of votes in
favor of
elected
candidates.

If after this has been done there still remain an elected candidate or candidates who have not received a quota, then the supervisors shall transfer any undistributed surpluses in the order in which they arose, until all elected candidates have received a full quota of votes, after which no further surpluses shall be transferred.

Public
notice
of the
result
of the
election.

204. The supervisors shall deliver to the returning-officer who shall record and give public notice of a summary of any transfer of votes made under the foregoing provisions, and of the total number of votes credited to each candidate after any such transfer.

Provision
for
recount.

205. 1. Any candidate or his agent may, at any time, during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise), but not more than once in any one case, request the returning-officer to re-examine and recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with); and the supervisors, on the instructions of the returning-officer, shall forthwith re-examine and recount the same accordingly.

Discretion
of the
supervisors.

2. The supervisors may also, at their discretion, recount votes either once or oftener in any case in which they are not satisfied as to the accuracy of any previous count.

Recount
of the
votes on
order of
the court.

206. 1. If upon petition for recount before a judge,—
a. any ballot-papers counted by the supervisors are rejected as invalid; or
b. any ballot-papers rejected by the returning-officer or a deputy-returning-officer are declared valid,—
the court may direct the whole or any part of the ballot-

papers to be recounted, and the result of the election ascertained in accordance with the foregoing provisions,—provided that, in such recount, the quota established by the original count shall continue to apply. Proviso.

2. On any recount, subject to such modifications as may be necessary by reason of any error in the original count, each paper shall take the same course as at the original count. Repartition of votes if the recount is ordered.

207. 1. If any question shall arise in relation to any transfer of votes, the decision of the supervisors or of the returning-officer on their advice, whether expressed or implied by their or his acts, shall be final, unless an objection is made by any candidate or his agent before the declaration of the poll, and in that event such decision may be reversed upon a petition for a recount before a judge. No one will be allowed to interfere with, or to hamper in any manner whatsoever, the work of the supervisors or sorters, except through the returning-officer or electoral board. Determination of questions arising from transfers of votes.

2. If any such decision be so reversed upon proceedings for a recount before a judge, the transfer in question and all operations subsequent thereto shall be void, and the court shall direct what transfer is to be made in place of the transfer in question, and shall cause the subsequent operations to be carried out, and the result of the election to be ascertained in accordance with the foregoing provisions. Nullity of operations if the decision is reversed.

208. The candidates who, on the final summing up of the votes after the same have been ascertained in the manner provided, shall be found to have received the necessary quota of votes, or to have been otherwise elected in accordance with this charter, shall be forthwith declared elected by the returning-officer, who shall immediately after the expiry of the four days granted for a recount as herein-after provided, cause to be inserted in at least one French and one English daily newspaper in the city, a proclamation giving the names of the councillors elected. Proclamation of councillors elected.

209. After the counting has been completed and the names of the candidates elected ascertained, the returning-officer shall carefully preserve in a safe place all the ballot-papers in sealed parcels arranged according to the final transfer of votes, for use in connection with a recount, if any, or with any vacancy or recall proceedings that may subsequently arise. Duties of returning-officer after counting completed.

Vacancies.

210. 1. If a vacancy arises in the council, the city clerk or electoral board shall proceed to ascertain by an examination of the ballot-papers in the sealed parcel of the councillor whose seat is vacant, which of the unelected candidates at the last general municipal election shall be declared elected to fill such vacancy, and the following provisions shall apply:

Candidates eligible to vacancies.

2. All candidates at the last general municipal election shall be considered as continuing candidates as defined in paragraph 6 of article 189 of this charter, and as eligible for the vacant seat, except those elected at or since the said election, those who have since become ineligible and those who have expressed to the city clerk or electoral board in writing their desire to withdraw as candidates.

To whom votes are credited.

3. The ballot-papers in the parcel of the member vacating the seat shall be examined and credited to the continuing candidates for such vacant seat, according to the next preferences as recorded thereon.

Proportion of votes required for the election of a candidate.

4. If more than one-half of the ballot-papers showing preferences for continuing candidates are credited to any one of the candidates, that candidate shall forthwith be declared elected, but if no candidate obtains such a proportion of the ballot-papers, the returning-officer shall exclude from the poll the candidate credited with the lowest number of votes, and shall transfer his votes to the next preferences for a continuing candidate shown thereon, and shall continue excluding the lowest candidates until one candidate only remains, which candidate shall be declared elected to the vacant seat.

Vacancies within six months.

211. If one or more vacancies arise through any reason whatsoever within the six months preceding the date of a general municipal election, such vacancy or vacancies shall remain unfilled.

Vacancies when no continuing candidates available.

212. Whenever a vacancy arises through the death or resignation of a councillor, and no continuing candidates are available, there shall be a special election to fill such vacancy, and such election shall be held in the same manner as a general municipal election under this charter.

Vacancies by recall of councillors.

213. Any councillor may be removed from office by recall proceedings as hereinafter provided:

Petition for the recall.

a. Any voter may file with the city clerk a petition for the recall of a councillor. Such recall petition shall set forth the name of the councillor in question and grounds for his removal. Any such petition to be valid must bear

the signatures and addresses of not less than fifty of the persons who signed his nomination-paper, as well as the signatures and addresses of not less than a total of ten per cent of the quota of electors at the election at which he was elected; which signatures shall be verified in accordance with article 100 of this charter.

b. Within ten days after the receipt of such a petition the city clerk shall ascertain whether or not it satisfies the conditions of paragraph *a* of this article, and if it be found defective shall immediately notify the elector who filed it and allow him ten days to satisfy the conditions. Examination of petition by city clerk.

c. If a petition be found valid, the possible successor, hereinafter known as the "alternate" of the councillor whose removal is sought, shall be determined, as if the councillor's seat were vacant, by a recount according to the provisions of article 210, of ballots cast at the last regular election. If later the alternate succeeds the councillor, he shall be considered elected by those ballots which stood to his credit at the end of the recount which determined him as alternate. Effect of petition if found valid.

d. Within fifteen days after the recall petition has been found valid the city clerk shall make public the name of the alternate and order a public election, to take place not less than fifteen nor more than thirty days afterwards, for the purpose of deciding whether or not the councillor in question shall be removed from office. Public notice of the name of the new candidate.

e. At such election each ballot shall contain the name of the councillor whose recall is requested and the name of his alternate. Each voter shall be instructed to express a preference for one or the other by placing a cross (x) or the figure "1" opposite the name of the candidate he prefers. Contents of ballot-paper.

f. The votes shall be counted at the several polling-divisions, and a return thereof made to the city clerk, who shall tabulate the votes for each candidate and determine the results in accordance with paragraphs *g*, *h*, and *i*, hereof. Votes counted and return transmitted to city clerk.

g. If the councillor whose removal is sought receives as many votes as the number of votes received by him at the last general election, he shall retain his office. Councillor retains office.

h. If he receives as many votes as his alternate, he shall retain his office. Id.

i. If he receives fewer votes than the number of votes received by him at the last general election and fewer votes than his alternate, he shall be removed from office and succeeded by his alternate. Removal from office.

j. No petition for the recall of a councillor shall be filed when

petition
for recall
must be
filed.

between the filing of a valid petition for the recall of another councillor and the determination of the result of the recall election brought on thereby, or within six months before or after the date of a general municipal election of councillors.

10.—*Recount before a judge.*

Recount
of votes
before the
judge in
certain
cases.

214. In case it be made to appear, within four days after that on which the returning-officer has made the final addition of the votes for the purpose of declaring the candidates elected, upon petition, supported by the affidavit of any credible witness, to a judge of the Superior Court for the district of Montreal, that a recount may change the result of the election as announced by the returning-officer; and in case the applicant deposits, within the same period of four days, with the prothonotary of the Superior Court, the sum or sums of one hundred dollars, as security, in respect of the recount, for the costs of each of the candidates 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, and to make the final addition thereof.

Notice to
candidates,
etc.

215. The judge shall himself, immediately, give notice in writing, served upon the candidates, in the usual manner or in any manner which he may order, of the day, hour and place at which he will proceed to recount the votes and to make such final addition thereof, and shall summon and command the returning-officer and his election-clerk, and order them to attend then and there with the parcels used at the election; which command the returning-officer and his election-clerk shall obey, the whole in the most expeditious manner, so that in any event the recount may be held.

Persons
present at
recount.

216. The judge, the returning-officer and his election-clerk, and each candidate and agent authorized to attend such recount of votes, or, in case any candidate cannot attend, then not more than one agent of such candidate, and, if the candidates and their agents be absent, then at least three electors shall be present at such recount of votes.

Formalities
required
for recount.

217. At the time and place fixed, the judge, commencing and proceeding in alphabetical or numerical order of the polls, recounts all the ballot-papers returned by the several deputy-returning officers, and, in the presence of the aforesaid persons; if they attend, opens the sealed packets containing the ballots.

218. The judge shall, as far as practicable, proceed Day and with such recount of votes, continuously, except on Sun-hour on days and other non-juridical days, allowing only time for which recount refreshments, and excluding (except so far as he and the shall take aforesaid persons agree) the hours between six o'clock in the place. evening and nine on the succeeding morning.

219. During the excluded time and recess for refresh-Papers ments, the said judge shall place the ballot-papers and to be other documents relating to the election in a locked room or sealed enclosure, and shall otherwise take the precautions neces- adjourn- sary for the security of such ballot-papers and documents. ment.

220. The judge shall proceed to recount the votes ac- Rules for cording to the rules above set forth, and shall verify or recount correct the count of the ballot-papers and statements of of votes. the number of votes given for each candidate, by deciding the objections without delay, and as they are made; provided that in every recount proceeding the quota resulting from the original count shall continue to apply.

The judge may take communication of all poll-books, Power statements and other documents used at the election to of judge. facilitate his decisions, and may admit and count any rejected ballots which by error may have been placed in the parcel of spoiled ballots.

221. Upon the completion of such recount, or so soon Ballot- as he has thus ascertained the true result of the poll, he papers shall seal up all the said ballot-papers and shall forthwith to be certify the result to the returning-officer, who shall then sealed up thereafter. proclaim elected the candidate or candidates elected as Certificate of result. the result of such recount proceedings.

222. In case the recount or addition does not so alter Cost of the result of the poll as to affect the election, the judge recount. shall order the costs of the candidates appearing to be elected to be paid by the applicant; and the deposit shall be paid over to the said candidates on account thereof, so far as necessary, and the judge shall tax the costs on giving his decision; if the deposit be insufficient, the party or parties in whose favour costs are allowed shall have his right of execution for the balance.

11.—*Miscellaneous*

223. The city-clerk shall retain in his possession all the Documents papers transmitted to him by any deputy-returning- to be kept officer, until the next following municipal general election by return- ing-officer. shall have been held.

Copies
of other
documents,

224. He shall deliver, on application to that end, and on payment of a fee of ten cents per hundred words, certified copies of all poll-books, reports, returns or other documents, except ballot-papers, in his possession concerning any election.

Copies to
be proof.

Each copy thus certified shall be *prima facie* proof before every judge, election court, or tribunal in the Province.

Inspection
of ballot-
papers by
order of
judge.

225. No person shall be allowed to inspect any ballot-papers in the custody of the city clerk, or to obtain the production thereof, except under a rule or order of the Superior Court or a judge thereof, and subject to the conditions imposed by him.

Granting
of order.

226. Such rule or order shall be granted by such court or judge upon evidence under 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 such ballot-papers, or for the purpose of preparing or sustaining a petition contesting an election or return.

Conditions
of order.

227. Any order for the inspection or production of ballot-papers must be made subject to such conditions as to persons, time, and place and mode of inspection or production, as the court or judge may deem expedient, and the candidates shall be notified of the day and hour fixed for the examination.

Effect
thereof.

228. Each such rule or order shall be final and without appeal, and shall be obeyed by the clerk under penalty of punishment for contempt of court.

Errors and
omissions
which
do not
annul
election.

229. No election shall be declared invalid by reason of,—
a. non-compliance with the formalities contained in this charter as to the proceedings connected with the voting or the counting or summing up of the votes; or
b. any mistake in the use of the forms annexed to this charter.

Election
not to be
set aside in
certain
event.

230. If it appear to the tribunal having cognizance of the question, that the election was conducted in accordance with the principles laid down in this charter, and that such non-compliance or mistake did not affect the result of the election, such election shall not be annulled.

12.—Provisions applicable to the various election officers

Penalty

231. Any returning-officer, election-clerk, deputy-re-

turning officer or poll-clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this charter, shall, for each such refusal or neglect, be liable to a penalty of two hundred dollars, and imprisonment for six months in default of payment, except in the cases otherwise provided for.

232. The returning-officer, at any election, shall have the power of administering all oaths or affirmations required by this charter, with respect to such election.

Oath administered by the returning-officer.

233. Every deputy-returning-officer shall also have the power of administering such oaths and affirmations.

By deputy-returning-officer.

234. Every returning-officer who wilfully delays, neglects or refuses to declare and proclaim elected any person by law entitled to be declared and proclaimed elected councillor, is subject to a penalty of one thousand dollars, the recourse at law against such returning-officer for all damages sustained by such person by reason thereof being reserved to such person, in case it has been determined, on the hearing of an election petition, that such person was entitled to have been declared and proclaimed elected.

Penalty for neglecting to declare candidate elected.

235. Whoever aids, counsels or solicits the commission of such offence or becomes an accomplice, is liable to a similar fine.

Accessories.

236. The action, however, for the recovery of such damages and fine must, on pain of nullity, be commenced within one year after the commission of the act on which it is founded, or within six months after the conclusion of the proceedings relating to the contestation of the election.

Prescription of suit.

13.—*Maintenance of peace and good order*

237. Every returning-officer and every deputy-returning-officer, from the time they shall respectively have taken the oath of office, until the day after the closing of the voting, shall be conservators of the peace, and be invested with all the powers appertaining to a justice of the peace.

Returning-officer and deputy-returning-officer conservators of the peace.

238. They are empowered and bound to maintain peace and good order throughout the city during the election.

Bound to maintain good order.

239. The returning-officer or deputy-returning-officer may require the assistance of all justices of the peace, require

May require

aid and
swear
constables.

constables or other persons present, to aid him in maintaining peace and good order at such election; he may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

Arrest
of offenders.

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

Arms
may be
required
to be
delivered up.

241. The returning-officer or 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 poll, to deliver to him any weapon, fire-arm, sword, staff, bludgeon or other offensive weapon in the hands or possession of such person.

Fine.

Every person refusing to deliver up such weapons shall be liable to a penalty of one hundred dollars and imprisonment for three months in default of payment, and, if there be any danger of their being used to disturb the election, such person may be arrested and treated in accordance with article 240.

Entering
polling-
division,
etc., with
arms,
forbidden.

242. No person, who is not domiciled within the limits of a voting subdivision of the city, shall be permitted to enter such voting subdivision with any kind of offensive weapons whatsoever, such as fire-arms, swords, staves, bludgeons or other similar weapons.

Approach-
ing polls
with arms,
forbidden.

243. All persons are alike forbidden, within the voting subdivision, to arm themselves during the day of voting with any offensive weapon, and thus armed to approach within a distance of one mile of the place where a poll is being held, unless called upon so to do by lawful authority.

Exception
for officers.

The prohibitions mentioned in articles 242 and 243 shall not apply to the returning-officer, or to the election-clerk, or to the deputy-returning-officer or poll-clerk, or to the constables or special constables at any election.

Furnishing
flags, etc.,
forbidden.

244. No candidate or other person shall furnish, or give to any person whomsoever any flag, standard, banner, distinctive colour, ribbon, signal, cockade, or anything of such nature, to the end that the same may be carried or used within the city, between the tenth day before the close

of the nominations and the day following the close of the voting, as a banner or party badge, distinguishing the bearer or his followers as partisans of such candidate, or holding the same opinions or the opinions supposed to be held by such candidate.

245. No person, upon any pretence whatever, shall carry any flag, standard, ensign, banner, distinctive colours, ribbon, signal, cockade, or any other similar thing, nor shall the same be used as a banner or party badge within the limits of the city, from the day of the close of nominations until the day after the close of the voting. Carrying thereof, forbidden.

246. No candidate shall, at any election, nor shall any other person, at the expense of such candidate, provide or furnish drink, or other refreshments or meal, to any elector, for the purpose of influencing him during such election, or pay for, procure or engage to pay for any such drink or other refreshments or meal. Treating forbidden.

247. Every person offending against any of the provisions of articles 244, 245 or 246, shall incur a fine not exceeding two hundred dollars, and imprisonment, not exceeding six months, in default of payment, or both together. Penalties.

248. Every bar in any hotel or club, every hotel, tavern, shop, or store, whether licensed or not, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day of voting up to the closing of the poll, under penalty of two hundred dollars, and imprisonment for six months in default of payment. Hotels, etc., to be closed.

249. No spirituous or fermented liquors or drinks shall be sold or given to any person whomsoever, within the limits of a voting subdivision of the city, during the said period, under a penalty of two hundred dollars, and imprisonment for six months in default of payment. Sale, etc., of liquor, forbidden.

250. On the day of the polling, until the closing of the poll, it is prohibited, under a penalty of imprisonment of not less than one month nor more than six months, either to sell for a price in money or in exchange for any article whatever, or lend or deliver, or gratuitously supply any quantity whatever of spirituous or fermented liquor; the only exception to this provision, (the burden of proof whereof is upon the accused), is established in favour of the sick, in which case the liquor may be sold, lent, delivered or supplied only upon the certificate of a priest or Liquors not to be supplied during certain days. Exception for the sick.

minister of some religious denomination or of a doctor or surgeon; and whoever shall give or deliver a false certificate in respect thereof shall be liable to a fine of one hundred dollars, and, in default of payment, to imprisonment of one month.

Liquors
not to be
brought
into the city
during an
election.

251. During the days and hours mentioned in article 250, 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 city from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor.

Exception
for
merchants,
etc.

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

Penalty
for drunken
persons
disturbing
public
order.

252. During the days mentioned in article 250, whoever is found under the influence of liquor and consequently disturbing public order in or on any street, lane, road, by-road, or public square, or in any hotel, restaurant, tavern or place of public resort whatever, within the limits of the city, is liable to imprisonment for not more than thirty days.

Certain
places not
to be used
as committee
room,
etc.

253. It is prohibited to 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 are retailed spirituous or fermented liquors, or in which food or liquor is ordinarily supplied for payment, or to make use of any such houses or places for that purpose, under penalty of a fine of one hundred dollars and of imprisonment for three months in default of payment.

14.—*Corrupt practices, bribery and election expenses*

Corrupt
practices.

254. Any act or offence punishable under any of the provisions of articles 255, 256, 258, 259, 260, 261, 263, 264, 265, 266, 267, 268, 269, 270, 271, 273, 274, 276 or 277, as well as the payment of money or other valuable consideration, made to any person whomsoever to engage him to work, or for working or for having worked as a canvasser, shall be a corrupt practice within the meaning of this charter.

255. Every person shall be deemed guilty of bribery, Bribery.
and shall be punishable accordingly,—

a. 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 endeavours 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 to refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election; Gift, loan, etc., for the purpose of inducing a person to vote or to refrain from voting;

b. 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 endeavours 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 as aforesaid, on account of any elector having voted or refrained from voting at any election; Gift or promise of office with same purpose;

c. who, directly or indirectly, by himself, or by any other person on his behalf, makes any gift, loan, offer, promise, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate to serve as councillor, or the vote in his favour of any elector at any election; Same acts to promote an election;

d. who, upon or in consequence of any such gift, loan, offer, promise, or agreement, procures or promises, or endeavours to procure the return of any candidate as councillor, or the vote in his favour of an elector at any election; Work at such election;

e. who advances or pays, or causes to be paid any money to or for the use of any other person, with the 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 payment of any money wholly or in part expended in bribery or corrupt practices at any election and prohibited by law at any election; Advance or payment of money to corrupt;

f. who, directly or indirectly, during the thirty days preceding the date of a municipal election, organises or opens more than one electoral committee or more than one information bureau in each polling-division. Opening more than one committee, etc.

256. Whoever, immediately previous to and during an election and by reason thereof, with a view of promoting it and securing votes, or of interfering with the freedom Penalty on persons who have work done

with
certain
intent.

and sincerity of the votes of the electors or of the electorate, causes temporary work to be performed by paid electors whom he employs, is guilty of corrupt practice, and liable to a fine of four hundred dollars and to imprisonment of six months in default of payment.

Penalty
on elector.

Every elector who participates in such work becomes disqualified *ipso facto* from voting at that election.

Legal
expenses.

257. Nevertheless, the actual personal expenses of any candidate, his expenses for professional services really rendered, and reasonable sums paid in good faith for the actual value of necessary printing and advertisements, the expenses for stationary, postage and telegrams; those for a clerk, writer, copyist, driver employed by him, and the necessary petty disbursements made in cash, of all which he daily keeps an account, shall be deemed to be expenses lawfully incurred, the payment whereof shall not constitute a breach of this charter; provided always that they are not made with any corrupt intention respecting the election.

Bribery.

258. Every person shall be deemed guilty of bribery and shall be punishable accordingly,—

Electors,
etc., recei-
ving gifts
before or
during an
election.

a. who, being an elector or voter, before or during any election, directly or indirectly, by himself or by any other person on his behalf, takes, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place 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

Or after
an election.

b. who, after any election, directly or indirectly, himself or by any other person on his behalf, takes or receives any money, gift, loan or valuable consideration, office, place or employment, for having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election.

Bribery in
relation to a
candidate.

259. Every person shall be deemed guilty of bribery and shall be punishable accordingly, who, to induce a person to allow himself to be nominated as candidate or to refrain from becoming a candidate or to withdraw, if nominated and having the qualification required to be legally nominated as candidate,—

a. gives or lends money or any valuable consideration whatever, or agrees to give or lend, or offers, or promises, or promises to try to procure for such person or for any other person, any money or valuable consideration whatever; or

b. gives or procures any office, place or employment,

or agrees to give or procure, or offers or promises to procure or to endeavour to procure such office, place or employment for such or any other person.

260. Whosoever, in consideration of any gift, loan, ^{Receiving} offer, promise or agreement, as mentioned in article 259, ^{money to} shall allow himself to be nominated, or refuse to allow ^{be or not to} himself to be nominated, or shall withdraw, if he has ^{be candidate} been so nominated, shall be deemed guilty of bribery and ^{is bribery.} be punishable accordingly.

261. Any elector who takes any bet or wager ^{Wagers} concerning or in relation to any election in which he is an ^{forbidden.} elector, and any other person who furnishes money for such purpose, shall be deemed guilty of bribery and shall be punishable accordingly.

262. Any person guilty of any of the acts of bribery ^{Penalty.} mentioned in articles 255, 258, 259, 260 or 261, shall be liable to a penalty of not less two hundred dollars nor more than four hundred dollars, and, in default of payment, to imprisonment for not less than six months nor more than twelve months.

263. Every candidate, who, corruptly, by himself or ^{Treating by} by or with any person, or by any other way or means on ^{candidate.} his behalf, at any time, either before, during or after 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 meat, drink, refreshments, or provisions for any person, whether an elector or not, in order to be elected, or by reason of being elected, or for the purpose of corruptly influencing such person to give or refrain from giving his vote at such election, shall be deemed guilty ^{Penalty.} of the offence of treating, and shall be liable to imprisonment for not more than one month and a fine of two hundred dollars, and imprisonment for six other months in default of payment, in addition to any other penalty to which he is liable under any other provision of this charter.

264. Every elector, who, with a corrupt motive, ^{Penalty on} accepts or takes any such meat, drink, refreshments or ^{elector} provisions, is also guilty of the offence of treating, and ^{accepting} is liable to a fine of not more than fifty dollars nor less ^{drinks, etc.} than ten dollars and to imprisonment for three months in default of payment.

265. The giving, or causing to be given to any elector, ^{Treating}

by third
persons.

on the nomination day, the day of voting or on the next following day, on account of such elector having voted or being about to vote, any meat, drink or refreshments, or any money or ticket to enable such elector to procure refreshments, shall be deemed an act of corruption known as treating.

Penalty.

Whosoever shall have been guilty of such act of treating shall, for each offence, be liable to a penalty of ten dollars and imprisonment for one month in default of payment; for each time and for each elector treated, in addition to the other penalties enacted by this charter.

Penalty
on elector
accepting
drinks, etc.

266. Every elector who accepts or takes, during the prohibited time, any such meat, drink, refreshments or provisions, or any money or note to enable him to obtain the same, because he is about to vote or has voted, is guilty of the offence of treating, and is liable to a fine of ten dollars and imprisonment for one month in default of payment, for each time he was so treated.

Double
penalty in
certain
cases.

The penalty is double if the offence is committed at a meeting of electors and before it has dispersed, subject always to all the other penalties enacted by this charter.

Treating.

267. Every person, who, corruptly, by himself or by or with any person, or by any other way or means, in the interest of any candidate, at any time, either before, during or after 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 meat, drink, refreshments or provisions to any person, for the purpose of aiding any candidate to be elected, or because any such candidate was elected, or for the purpose of corruptly influencing such person or any other person to give or abstain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to a fine of two hundred dollars, and to imprisonment for six months in default of payment, or both together, with or without hard labor, in addition to all other penalties enacted by this charter.

Penalty.

Proviso.

However, nothing contained in articles 263, 264, 265 and 266 shall prevent any person from receiving in his own house, at his table, in the usual manner, and at his own expense, such electors as he invites to his house.

Undue
influence.

268. Every person shall be deemed to be guilty of the offence of "undue influence", and shall be punishable accordingly by a penalty of two hundred dollars, and imprisonment for six months in default of payment, and by

imprisonment for six other months in addition, in the Penalty. discretion of the court, with or without hard labor,—

a. who, directly or indirectly, by himself, or by any Threats. 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 or harm to his person or property, or loss of employment, or in any manner practices 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;

b. who, by abduction, duress, artifice, false information, or any fraudulent device or contrivance, impedes, Interference with free franchise. 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 or prevents him from going to vote.

269. Every person, who directly or indirectly, or in Subornation of perjury. any manner, induces or constrains, or attempts to induce or constrain any one to take a false oath, in any matter in which an oath is required in virtue of this charter, shall for the purpose thereof, over and above any other punishment to which he may be liable for such offence, be liable Penalty. to a fine of two hundred dollars, and to imprisonment for six months, and, in the discretion of the court, to imprisonment for six other months, with or without hard labor.

270. Every person who agrees to take or takes any Penalty on persons agreeing to take false oath. such false oath is liable to the same fine and penalty, in addition to any other penalty to which he is exposed for such offence.

271. Every person shall be deemed to be guilty of the Penalty for impersonation. offence of "impersonation", and shall be punishable accordingly by a penalty of five hundred dollars, and to imprisonment for six months in default of payment, in addition to imprisonment for not more than six months, with or without hard labor,—

a. who, during the voting at an election, applies for a ballot-paper, or presents himself to vote, in the name of some other person, whether such name be that of a living, dead, or fictitious person;

b. who, having already voted at an election, applies during the same election for another ballot-paper in his

own name or presents himself again to vote at the same or any other polling place;

c. who aids, abets, incites, counsels or facilitates the commission, by any person whomsoever, of any infraction of the provisions of this article.

Arrest
on view,
etc., of
offenders,
etc., against
article 271.

272. Every person who is guilty of any of the infringements mentioned in paragraphs *a* and *b* of article 271, may be arrested on view or on a warrant by the returning-officer, a justice of the peace, a peace officer or a constable, and be taken to and kept in a police station or in the common gaol of the district of Montreal, until the election is over, or until bail be given that such person so arrested will appear to answer unto the charge to be brought against him respecting such act before the recorder's court.

Conveyance
of voters.

273. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any other person on his behalf, to convey electors to or from the poll, or to or from the neighborhood 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.

Penalty.

Whosoever so offends shall be liable to a fine of one hundred dollars and to imprisonment for three months in default of payment.

Hiring of
vehicles.

274. Whosoever lets or takes to hire any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any candidate or for any agent of a candidate, for the purpose of conveying electors to or from the polls, shall, for every such offence, be liable to a penalty of one hundred dollars and imprisonment for one month in default of payment.

Penalty.

Loss of
right to
vote.

275. Every elector who, at any election, shall have been guilty of any corrupt practice, prohibited by this charter, or who shall have been a party to the commission of such act, shall, *ipso facto*, be deprived of his right to vote at such election.

Voting
when not
qualified.

276. Every person who votes, or induces or causes any other person to vote, at any election, knowing that he or such person is not entitled to vote thereat, is guilty of a corrupt practice and liable to a fine of one hundred dollars, and to imprisonment for one month in default of payment, with, in addition, imprisonment for not more than one month, with or without hard labour.

Penalty.

277. Any person who, before or during any election, knowingly publishes any false rumor or false statement of the withdrawal of a candidate at such election, for the purpose of promoting and procuring the election of another candidate, is guilty of a corrupt practice within the meaning of this charter. Penalty on persons publishing false rumor as to resignation of candidate.

Nevertheless, a candidate shall not be liable for any such corrupt practice provided for under this article, committed by another person, nor shall his election be voided on account of such corrupt practice, unless, however, it has evidently changed the result of the election and fraudulently deceived the electorate. Election not to be voided in certain case.

278. Every contract, promise, or undertaking, in any way referring to, arising out of, or depending on any election under this charter, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law, and no action shall lie even for the recovery of the value of any supplies or services whatever. Nullity of certain contracts.

This provision shall not however enable any person to recover any money or other consideration paid for lawful expenses connected with such election. Proviso.

279. If it be proved before any court or judge, for the trial of election petitions, that any corrupt practice has been committed, by or with the actual knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void. Consequence of commission of corrupt practice by a candidate.

280. Such candidate shall, during the five years next after the date of such decision, be disqualified for being elected to, or of sitting in the council, or for voting at any election of a member thereof. Disqualification for five years.

281. If it appear to the said court that the act committed is under the letter of the law a corrupt practice, but is of no gravity and could not have affected the result of the election, and that it is proved that the candidate had, in good faith, as far as possible, taken all reasonable precautions to honestly carry out the election according to the prescriptions of law, the election of such candidate shall not be annulled. Election not to be annulled in certain case.

282. No person has any right to vote nor shall he vote more than once in the same electoral district for the election of councillor, at any election held in virtue of this charter. One vote only.

Disqualifica-
tion for five
years of
persons
convicted
of corrupt
practice.

283. Any person, other than a candidate, found guilty, in virtue of the provisions of this charter, before a competent court, of any corrupt practice in any legal proceeding in which, after notice of the charges, he has had an opportunity of being heard, shall, during the five years next after the time when he is so found guilty, be disqualified for being elected to and for sitting in the city council and for voting as an elector therefor.

Cessation
of disqualifi-
cation.

284. If, at any time, after any person has become disqualified under any of the provisions of articles 280 and 283, the witnesses or any of them, on whose testimony such person has so become disqualified, are convicted of perjury in respect of such testimony, such person may obtain, from the court before which such conviction took place, an order determining that such disqualification shall cease and end.

Order of
the court.

Such court shall, upon being satisfied that such disqualification would not have been declared except for such perjury, make such order.

Effect
thereof.

In pursuance of such order, such disqualification shall thenceforth cease and end.

Summons
to a person
appearing
to have
been guilty.

285. Whenever it appears to the court or judge, trying an election petition, that any person has contravened any of the provisions of this charter, such court or judge shall order that such person be summoned to appear before such court or judge, at the place, day and hour fixed in the summons for hearing the charge.

How
effected.

286. The summons is effected by a notice signed by the judge containing a summary statement of the offence, with an indication of the circumstances of time, place and person concerned, and served upon the accused by a bailiff. The delay upon the summons is the same as in an action before the Superior Court.

Default
to appear.

287. If, at the time 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 petition, to pay such fine or undergo such imprisonment, in default of payment, to which he may be liable for such contravention, in conformity with this charter.

Appearance.

288. If, on the contrary, the person so summoned does appear, the court, after hearing such person and such evidence as may be adduced, shall give judgment according to law.

Decision.

289. The proceedings upon the hearing of the com-
plaint are summary, and made within the delays to plead
and hear the witnesses as fixed by the court or judge.

290. All fines recovered under articles 287 and 288
belong to the city.

To whom
penalty
belongs.

291. No fine shall be imposed under article 287 or
288,—

When no
penalties
are to be
imposed.

a. if it appear to the judge or court that the offender
has already been prosecuted for the same offence; or

b. if the evidence or admission of the offender be the
only proof of the offence.

15.—*Offences and penalties*

292. Every person found guilty of a corrupt practice
shall, when no other penalty is enacted by this charter,
be liable to a fine of two hundred dollars, and, in default
of payment, to imprisonment for three months, and
moreover, in the discretion of the court, to imprisonment
for not more than two months, with or without hard
labor.

General
penalty.

293. Every person shall be liable to a penalty not
exceeding five hundred dollars and to imprisonment for
twelve months in default of payment,—

Penalty for:

a. who, illegally or maliciously, either by violence or
stealth, takes from a returning-officer, deputy-returning-
officer, or poll-clerk, or from any officer or person having
the lawful custody thereof, or from the place in which
they are then lawfully deposited, any ballot-box, list of
electors, copy of or extract from any list of electors, poll-
book, report, certificate, affidavit, or other document or
paper prepared or drawn up in conformity with this
charter, or in compliance with any of the provisions
thereof; or

Illegally
taking
away
ballot-
boxes;

b. who, illegally or maliciously destroys, injures or
obliterates them, or with deliberate purpose or maliciously
causes them to be destroyed, injured or obliterated; or

Illegal
destruction
thereof.

c. who makes, or causes to be made any erasure, addi-
tion or interpolation of names, in any such documents or
papers; or

Illegal
erasures,
etc., therein.

d. who aids, abets or contributes to their being taken,
destroyed, injured or obliterated, or to the making of
erasures, additions, or interpolations of names therein.

Aiding and
abetting.

294. Every returning-officer, deputy-returning-officer

Returning-

officers, etc., or other person entrusted with the issue of copies of lists of altering lists, etc., electors or who is the legal custodian or depository of such lists, who knowingly makes any alteration, omission or insertion in such lists or certified copies, or falsifies them in any manner, incurs a penalty of two hundred dollars, and imprisonment for twelve months in default of payment, with or without hard labour. liable to penalty.

16.—Prosecutions

Who may sue and before what court.

295. Every prosecution, concerning a penalty imposed by section seventh of this charter, may be brought by any elector of the city, by an action for debt, before any court having civil jurisdiction for the amount demanded. No elector shall be disqualified from instituting any suit under the said section or any of its provisions, because of the illegality or informality of the electors' lists.

Allegation required.

296. It shall be sufficient for the plaintiff in such action or prosecution to allege in the declaration that the defendant is indebted to him in the sum of money which he demands, that the offence for which the action or prosecution is instituted, and which shall be fully described, has been committed, and that the defendant has acted in contravention of this charter.

Affidavit.

297. No such prosecution shall be instituted, unless, with the *præcipe* or demand of summons, there be produced an affidavit of the plaintiff, drawn up in accordance with form No. 22.

Security may be required and proceedings stayed.

298. The defendant in any such prosecution may, before pleading, obtain that all proceedings therein be stayed, until the party prosecuting do furnish such security as may be deemed necessary, in the discretion of the court or judge, or do deposit with the prothonotary 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.

Parole evidence.

299. At the trial of such suit, proof may be made by parole evidence.

To whom the penalty shall belong.

300. The amount of any penalty, which a defendant shall be condemned to pay, shall belong to the prosecutor, without prejudice to article 290.

If person prosecuted has already

301. When any person is prosecuted for any offence or violation of the provisions of this charter committed

by him together with one or more persons, either as ac-prosecuted complices, abettors or receivers, or in any other manner, accomplice. and such person has already prosecuted such accomplice or accomplices for the same offence, no fine, penalty or forfeiture can be pronounced or recovered against him for the same offence; but the benefit of this provision shall Proviso. be denied him if it be shown to the court that such person was the principal in the offence and that he had commenced it.

302. Saving the case of article 167, no person shall Obligation to answer. be excused from answering any question put to him in any action, suit or other proceeding before any judge, or commissioner, or any court, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground that the answer to such question tends to expose him to any prosecution or condemnation under this charter or any other act.

But no answer given by any such person shall be used Protection. to his prejudice in any civil proceeding against such person, if the judge, commissioner, or court, has given to the witness a certificate that he claimed the right to be excused from answering on the aforesaid ground, and made full and true answer to the satisfaction of the judge, commissioner or court.

303. In any action, suit or proceeding under this Parties charter, the parties themselves are authorized to testify authorized and may be compelled so to do in the same manner as any to testify. witness, and subject to the same exceptions,—but no use can be made of such testimony outside of the case, in any other manner whatever.

304. Unless, for special reasons, the court deems it Costs. advisable to order otherwise, the party failing or condemned in any such prosecution shall bear the costs thereof, and, if such party be the defendant, the costs shall be payable over and above the penalty imposed.

If, however, the prosecution be abandoned or dismissed, Double costs in certain case. and the judge be of opinion that the same was maliciously brought for the purpose of harassing and annoying the defendant, and without a reasonable cognizance of the facts alleged, the judge may, on dismissing the same, condemn the plaintiff to pay double costs to the other party or parties or any of them.

305. Every action or prosecution brought in virtue Limitation of this section shall be instituted within six months next of suits. after the proclamation of the election of the candidate for offences committed up to that time, and within twelve

months for subsequent offences, from the date when they were committed, and no later, unless the defendant has, by absconding, withdrawn himself from the jurisdiction of the court.

Continuation of proceedings.

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

Intervention.

306. In the event of the 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.

Imprisonment ordered in default of payment.

307. If it appear, by the return to the writ of execution or by the subsequent proceedings, that the defendant has no property, or that his property is insufficient to satisfy the judgment, such defendant shall, in virtue of a writ to that end, issued by order of the court or of any judge, be imprisoned during the whole period of time specified in the provision of this section under which the penalty is imposed.

Discharge.

Nevertheless, the defendant may, unless liable to other imprisonment, procure his release, by paying in full the amount of the penalty, together with the costs incurred as well before as after judgment.

Prosecutions when offence punishable by imprisonment only.

308. When the commission of an infringement of this section is punishable by imprisonment alone, the prosecution may be instituted and judgment obtained and executed by any person making the complaint before a judge of the sessions of the peace, having jurisdiction and exercising his functions in the city.

SECTION VIII

CONTESTED ELECTIONS

Form of proceeding on contestation.

309. Any person, qualified to vote at the election of councillors, may present to any one of the judges of the Superior Court, sitting in term or in vacation, a petition (*requête libellée*), complaining of the election and return of any person as councillor at whose election he had a right to vote, and praying for the annulment of the election of such councillor and that an order be given to proceed to fill the vacancy in the manner provided in this charter.

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

a. that the person returned did not receive the legal quota of votes at such election or was not otherwise lawfully declared elected;

b. that he was not qualified to be elected as such councillor;

c. that he was guilty of corrupt practices prohibited by this charter, either personally or by an agent, with or without his authority, knowledge or sanction.

310. Such petition shall set forth in a succinct manner, Contents of petition. 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. To be supported by affidavit.

No such petition shall be received after the expiry of thirty days from the proclamation of the result of such election, or, if no poll was held, after the expiry of thirty days from the last day of nomination. Delay to receive petition.

311. Upon the return day of such writ or within three days thereafter, the contestant shall give security for costs, after notice to the defendant, by depositing the sum of one thousand dollars in the office of the prothonotary of the Superior Court. Security for costs. Deposit.

312. 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, shall be subject to the ordinary rules of procedure prescribed by section second of chapter fortieth of the Code of Civil Procedure. Case to be proceeded with summarily.

If, upon the issues, it is 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, and its amendments. Power of court if ballots, etc., to be examined.

313. The judgment rendered on a petition under this Judgment

on petitions subject to appeal to the court of King's Bench.

charter shall be subject to appeal to the Court of King's Bench; the case shall be there heard by three judges as a privileged case, and shall have precedence over all other cases; the judgment of the Court of King's Bench shall be final.

Service of copy of judgment upon city.

314. It shall be the duty of the petitioner to cause an authentic copy of the judgment upon the petition, to be served upon the city, by leaving a copy thereof with the city clerk.

Proceedings thereafter.

If, by such judgment, the election of the defendant or defendants be set aside, and some other person or persons declared duly elected, the latter shall be received and recognized by the council; but if the election or elections contested be thereby adjudged to be annulled, the seat of the defendant or defendants shall be dealt with as vacant, and proceedings to fill such vacancy shall be forthwith taken, in accordance with the provisions of this charter.

SECTION IX

MEETINGS OF COUNCIL

Dates of council meetings.

315. A regular meeting of the council shall take place at least twice a month, at such dates and hours as the council shall fix by resolution.

Notices of meetings.

The members of the council shall be notified thereof in the same manner as hereinafter provided for special meetings.

Meetings public.

The meetings of the council shall be open to the public.

Special meetings called by mayor.

316. The mayor may call a special meeting of the council when and as often as he may deem proper; such meeting may be convened upon a verbal or written order from the mayor to the city clerk, who shall thereupon issue a notice of meeting, summarily specifying the business to be transacted at such meeting, and shall cause a true copy of such notice to be delivered by one of his employees or sent by registered mail to every member at his usual place of abode or business, at least two clear and juridical days prior to such meetings.

Notice thereof.

Evidence of mailing and delivering of notice.

The certificate from the post-office is evidence of the mailing of the notice on the date borne by it, and the delivery of the notice by the employee of the city clerk is established by a written return attesting the same and signed by him.

Calling of special meeting on

317. In case the mayor should at any time refuse to call a special meeting when deemed necessary by at least

three members of the council, such members of the council may order the meeting to be called by means of a written requisition to the city clerk; and upon such requisition the city clerk shall issue a notice of meeting, which he shall forward in the manner mentioned in article 316, provided such requisition shall specify the business for which the meeting is called. refusal of mayor.

318. At such special meetings no business but that specified in the notice shall be considered or disposed of, unless with the sanction of the mayor and of all the members of the council present. Business to be conducted at special meetings.

319. If, at any special or regular meeting, the business cannot be fully disposed of, the council may adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business; but no new business shall be brought up or considered at any such adjourned meeting, except with the unanimous consent of all the members of the council present, and of the mayor, save in the case of the adjournment of a regular meeting. Adjourned meetings.

320. The mayor shall preside at all meetings of the council and shall have his vote as councillor. He shall also have a casting-vote in case of equality of votes, except when a majority of all the members of the council is required. Mayor's powers at meeting.

In case the mayor or the acting-mayor should not be present, the council shall choose one of its members to preside; and the acting-mayor, or any other councillor, when presiding at a meeting of the council, shall be subject to the same provisions as the mayor, as hereinbefore set out. When mayor or acting-mayor not present.

321. Eight members of the council shall constitute a quorum for the transaction of business, but three members may decide that the council shall adjourn. Quorum.

322. At meetings of the council, the majority of the members present shall decide the questions and matters submitted thereto,—except in those cases where a larger number of concurrent votes may be required by the rules of the council or the provisions of this charter. Majority to decide questions. Exception.

323. The council may make and enforce rules and regulations for its internal government, and for the maintenance of order during its sittings. Rules and regulations.

324. The mayor shall maintain order and decorum during the sittings of the council; he may arrest, or cause to be arrested, any person who is guilty of disorderly conduct. Maintenance of order.

order and
decorum.

be arrested, any one who may disturb the council during any sitting thereof, and have him placed in custody; and such person shall, for every offence, incur a fine not exceeding twenty dollars recoverable before the recorder's court.

Minutes of
proceedings.

325. The minutes of every meeting of council shall be drawn up and fairly entered in French and English, in a book to be kept for that purpose by the city clerk, and, after being read and confirmed at the following meeting, shall be signed by the said city clerk and by the mayor or the member who presides at such meeting, and they shall be open to the inspection of all ratepayers who wish to examine them.

Extracts
from
minutes,
etc.

326. All extracts from the book required by article 325 to be kept, and all copies of entries therein, and, generally, all certificates, deeds and papers, certified or signed by the city clerk, under the seal of the city, shall, in all courts of justice in the Province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers respectively.

SECTION X

EXECUTIVE ADMINISTRATION

1.—*General Manager*

Appoint-
ment of the
general
manager.

327. 1. The city shall have as the executive head of its government a general manager, who shall be appointed, suspended or dismissed by the council as hereinafter provided.

Suspension
or dismissal.

2. His appointment, suspension or dismissal, for cause, shall be decided upon and his salary fixed or changed, only upon a majority vote of all the members of the council.

Right to
be heard.

3. He shall have the right to ask, within eight days from the date of his suspension or dismissal, that he be publicly heard by the council, and such hearing shall thereupon be held within thirty days from the date of such suspension or dismissal.

All his time
devoted
to city's
service, etc.

4. He shall devote all his time, during working days, to the city's service. He shall not hold any other salaried office, position or employment whatsoever, nor shall he be engaged in any undertaking or business, either as owner, partner or director, nor be a shareholder in any public utility company operating any service whatsoever on the island of Montreal, or in any company having any business transaction with the city.

5. He shall be chosen solely on the basis of his executive and administrative capacities, and he must be conversant with both languages. On what basis to be is chosen.

6. All the heads of departments, except the city clerk, the chief city attorney, the city comptroller and the assessors, and the members of their respective staffs (who shall be under the exclusive control of the council), shall be appointed, suspended or dismissed by the council only, upon the recommendation or report of the general manager, and such report may be rejected only upon a majority vote of all the members of the council. Powers and duties.

The general manager shall have the right of supervision over all heads of departments, with the exception of those above mentioned.

7. The general manager shall prepare and submit to the council: Idem.

- a. The annual budget;
- b. The reports on all appropriations required;
- c. The loan by-laws;
- d. The variations of appropriations;
- e. The reports recommending the appropriation of the proceeds of loans;
- f. The reports on taxes to be levied;
- g. The reports recommending the granting of franchises, privileges and permits;
- h. All other reports called for by the council or the adoption of which may be deemed necessary from time to time;
- i. Every recommendation for the adoption of new by-laws or amendments to existing by-laws. Every such recommendation shall recite the wording of the proposed by-law or amendments.

8. The manager shall see that the laws and by-laws are enforced. Idem.

He shall authorize the sales, purchases, agreements and business transactions whatsoever, as well as the payment of all liabilities of the city, according to the formalities prescribed in this charter.

He shall supervise all the administrative operations of the city.

He shall have power to enter into and sign contracts in the name of the city where the amount involved does not exceed five thousand dollars, provided that the rules and regulations regarding tenders and contracts laid down in the charter are followed.

He shall submit to the council every proposed contract for a sum in excess of five thousand dollars, and, after approval by said council, shall countersign every such contract.

Idem.

9. The general manager shall prepare all plans and specifications, call for and receive tenders and submit to the council a report thereon with his recommendations.

Whenever any tender is accepted by the council, the general manager shall award the contract to the successful tenderer, complete the formalities required, and see that the said contract is duly carried out.

The formalities in connection with tenders shall be determined, from time to time, by the council, but a delay of not less than eight days must be given between the date of the publication, in the newspapers, of the advertisement calling for tenders and the date fixed for receiving the same.

Tenders shall, in all cases, be addressed to the manager and opened by him, at the place specified in the advertisement and not otherwise.

The director of the department interested in the tenders shall be present at the opening of such tenders, and all other interested parties shall have the right to be present at the opening of tenders.

Any contract for more than two thousand five hundred dollars must be preceded by a call for tenders.

Replaced temporarily.

10. In the event of temporary absence of the general manager or in case he should become temporarily unable to perform his duties, the council may, on a majority vote of all the members, appoint a properly qualified person to replace him.

Other duties.

11. The general manager shall have the right to attend all meetings of the council and to take part in its deliberations, but without any right to vote.

12. He shall see that all the terms and conditions in favour of the city or its inhabitants, contained in any public utility franchise or in any contract, are faithfully kept and performed.

13. He shall have general supervision over all public improvements, works and undertakings, except as otherwise provided for in the charter.

14. He shall recommend to the council, for their adoption, such measures as he may deem necessary or expedient.

15. He shall see that all accidents to city employees are reported to the department of Public Works and Labor.

16. He shall perform such other duties as may be prescribed by the charter or required from him by resolution of the city council.

2. Administrative Departments

328. 1. There shall be six administrative departments, ^{Adminis-} as follows: law, health, public works, public safety, finance ^{trative} and the department of the city clerk. The functions of the ^{depart-} staffs of these various departments shall be determined by ^{ments.} the council, except as otherwise provided in this charter. The council shall fix all salaries, and may, by by-law, create new departments and combine or abolish existing departments.

2. At the head of each department there shall be a ^{Duties of} director who is able to speak both languages. Each direc- ^{directors of} tor shall be chosen on the basis of his executive and ad- ^{depart-} ministrative experience and ability, and of his training and ^{ments.} experience in the class of work which he is to administer.

The director of the law department shall be the chief city attorney.

The director of the city clerk's department shall be the city clerk.

The director of the finance department shall be the city treasurer.

3. Unless otherwise provided in this charter, each di- ^{Appoint-} rector shall be appointed by the city council upon the re- ^{ment by} commendation of the general manager, and may be sus- ^{council.} pended or dismissed in the same manner at any time, but any director who is suspended or dismissed shall have the right to require that charges be laid against him in writing, by the general manager, and that he be publicly heard by the council before the decision relative to his dismissal takes effect. The document containing the charges and the director's reply shall be filed with the city clerk.

4. Unless otherwise provided in this charter, the direc- ^{Responsi-} tors of departments shall be immediately responsible to ^{bility of} the general manager for the administration of their de- ^{directors of} partments, and their advice, in writing, may be required ^{depart-} by him on all matters affecting their respective depart- ^{ments.} ments. They shall choose and appoint, in accordance with the rules of the municipal service board, all the employees upon their respective staffs. They shall prepare, each year, the budget of their respective departments and shall make reports and recommendations concerning such departments at stated intervals, and whenever requested to do so by the general manager.

5. The general manager and any officer authorized ^{Power to} by him, shall have power to make investigations into the ^{summon} affairs of the city, to summon and swear witnesses, and ^{witnesses.} compel the production of books and papers.

3.—Municipal Service Board

329. 1. There shall be appointed by the city council ^{Creation.}

of municipal service board. a board to be known as the "Municipal Service Board," which shall consist of the heads of the six administrative departments of the city and a representative of the civic employees, chosen from among and elected by the latter as provided by by-law of the city. The chairman of said board shall be appointed by and chosen from among the members thereof.

Functions. 2. The functions of the board shall be to satisfy themselves as to the fitness of candidates or persons desiring to enter into the employ of the city; for such purpose, the board may employ the necessary staff of employees and fix their remuneration.

Powers. 3. The board shall make, promulgate, and, when necessary, amend rules for the appointment, promotion, transfer, lay off, reinstatement, suspension and removal of city employees, reporting its proceedings for approval to the council and to the general manager. Such rules, among other things, shall provide,—

What the rules shall provide.

Standardization.

Competitive tests, etc.

Eligible lists and filling of positions.

Promotion of employees.

Standards of efficiency.

a. for a standardization and classification of all positions and employments in the municipal service of the city;

b. for open competitive tests to ascertain the relative fitness of all applicants for appointment to the classified municipal service of the city. Notice of such tests shall be posted in a conspicuous place in the city hall, not less than ten days in advance and published at the same time in at least one English and one French daily newspaper. The board may provide also for non-competitive tests for any position requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character;

c. for the creation of lists of eligibles, upon which shall be entered the names of successful candidates in the order of their standing in examinations; and for the filling of positions in the municipal service of the city by selection from not more than the three candidates graded highest on such lists of eligibles. Such lists shall remain in force not longer than two years, and shall be open to inspection by the interested parties;

d. for promotion from the lower grades to the higher, based upon competitive records of efficiency and seniority to be furnished by the department in which the person is employed, and kept by said municipal service board, or upon competitive promotion tests, or both.

4. The board shall also fix standards of efficiency, recommend measures for co-ordinating the operation of the various departments, and determine, for each position,

the degree of knowledge of both languages to be required of each candidate or civic employee.

330. The council shall appoint a prosecuting attorney ^{Municipal} who shall have charge of all criminal prosecutions in which ^{attorney.} the city is interested either as party aggrieved or other- ^{Functions.} wise, including all prosecutions for criminal or other offences in the recorder's court, as well as all prosecutions before any court for breach of the by-laws of the city, and all appeals or other proceedings in connection therewith; and the council shall in addition appoint from time to time such assistants as the said prosecuting attorney may require to enable him to efficiently carry out his duties.

The said prosecuting attorney shall also act as legal ^{Other} adviser to the police department of the city, and shall ^{functions.} give to the employees of that department the advice and instruction necessary to enable them efficiently to carry out their duties.

331. The council shall exact such security as it may ^{Security} deem necessary, for the due execution of the duties de- ^{required in} volving upon the city treasurer and all other officers of the ^{certain} city. ^{cases.}

332. The council shall appoint a purchasing and ^{Purchasing} sales commission, composed of not more than three mem- ^{and sales} bers, and shall fix the remuneration to be paid to such mem- ^{commission.} bers. The council shall adopt all regulations required for the working of such commission.

No member of the council may be a member of such commission.

SECTION XI

BY-LAWS.

333. It shall be lawful for the city council to enact, ^{General} repeal or amend and enforce by-laws for the peace, order, ^{power to} good government, and general welfare and improvement ^{enact} of the city of Montreal, and for all matters and things ^{by-laws.} whatsoever that concern and affect, or that may, hereafter, concern and affect the city of Montreal, as a city and body politic and corporate, provided always that such by-laws ^{Proviso.} be not repugnant to the laws of this Province or of Canada, nor contrary to any special provisions of this charter.

And for the greater certainty, but not so as to restrict ^{Extent of} the scope of the foregoing provision or of any power other- ^{jurisdiction} wise conferred by this charter, and without prejudice to ^{of council.} the proviso hereinabove mentioned, it is hereby de-

clared that the authority and jurisdiction of the said city council extends and shall hereafter extend to all matters coming within and affecting or affected by the classes of subjects next hereinafter mentioned, that is to say:

1. The raising of money by taxation;
2. The borrowing of money on the city's credit;
3. Streets, lanes, and highways, and the right of passage above, across, along, or beneath the same;
4. Sewers, drains and water-works;
5. Parks, squares and ferries;
6. Licenses for trading and peddling;
7. The public peace and safety;
8. Health and sanitation;
9. Vaccination and inoculation;
10. Public works and improvements;
11. Explosive substances;
12. Nuisances;
13. Markets and abattoirs;
14. Decency and good morals;
15. Masters and servants;
16. Water, light, heat, electricity and railways;
17. The granting of franchises and privileges to persons or companies;
18. The inspection of food.

General
powers of
city not
restricted.

334. No enumeration or mention of powers in this charter shall have the effect of limiting, restricting or affecting the general powers of the city, conferred by article 333 or by the other provisions of this charter, even as regards the matters so enumerated and mentioned.

Powers
to make
by-laws
respecting:

335. The city council, for the purposes and objects included in article 333, but without limitation of its powers and authority thereunder, even as to objects specially enumerated in article 333, as well as for the purposes and objects detailed in this article, shall have authority:

Use of
streets, etc;

1. To regulate the use of and prevent and remove encroachments into, upon or over streets, alleys, avenues, public grounds and public places, municipal streams and waters, and to prevent injury thereto and prohibit the improper use thereof;

Filth in
streets;

2. To regulate and prevent the throwing or depositing

of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in or upon any street, alley, yards, public grounds or places or municipal streams or waters;

3. To require the owner or occupant of any immoveable property to keep the sidewalks along or in front of the same free from obstruction; to provide for the removal of the same at the expense of such owner or occupant; and to levy an assessment on such immoveable property to cover the cost of keeping the said sidewalks in good order during the winter in all or in certain districts of the city;

4. To regulate the making and maintaining of openings and excavations in streets, alleys and public grounds and public places for the laying of gas and water mains and pipes, electric conductors, subways and conduits, and for other purposes, and to regulate 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 city, and to regulate, and if deemed necessary, to prohibit the construction and maintaining of coal-holes, man-holes, hatch-ways, 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, to deposit in the hands of the city treasurer an amount sufficient to guarantee that such streets shall be put back to their former state, or to permit the city to make such repairs 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-law; to prevent any person or company from tearing up any pavements, sidewalks or cross-walks, drain or sewer, or from making any hole, ditch or drain in any street, pavement, or sidewalk, without previously sending a written notice to the general manager, with a plan showing the exact location and dimensions of the proposed opening, and obtaining the permission of the said general manager, if not previously authorized, and, in no case, without obtaining its approval of the place where, and the manner in which, the proposed opening is to be made; to prohibit the deposit upon any permanently 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 a sufficient deposit to replace the paving in good order;

Obstructions on sidewalks, etc;

Regulating openings, etc., in streets, etc.

- Removal of
ashes, etc., 5. To require throughout the city or in such district or districts as the city council may designate, the owner or occupant of any premises, or the person having deposited the same, to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, nightsoil, and other vile, unhealthy or offensive matter; to regulate and provide for the collection, removal and disposal of the same throughout the city or in such districts as the city council may designate, and to authorize and direct such collection, removal and disposal, either at the expense of the city or of such owner or occupant, or of the person having deposited the same;
- Removal of
dead
animals, etc. 6. To grant, on such terms as it may deem proper, but for a period not exceeding twenty years, to any person, company or corporation, the exclusive privilege of removing and transporting, within the city limits, all dead animals or carrion, all food-stuffs that are spoiled and unfit for food, all refuse and decayed animal matter, found in the territory of the city, whether any such thing or object comes from a public or private place or establishment;
- Use of
pavements,
etc; 7. To regulate the use of pavements, sidewalks, crossings, curb-stones and gutters, and to regulate, permit on payment of a license or forbid the placing on the streets, on or above sidewalks, alleys or public places, of awnings, porticoes or canopies, and to have a sum of five dollars paid yearly as the price of such license, and, in addition, a sum of not more than fifty cents per square foot of the city's land covered by such awnings, porticoes or canopies,—such sums to be paid when the license is issued;
- Regulating,
etc., use of
streets,
etc. 8. 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, and to regulate the posting and distributing of hand-bills and advertisements; to define what is to be meant by "illuminated and electric signs"; to prescribe of what metal such signs and the supports thereof shall be made, and how the same shall be attached to buildings and placed on the streets, alleys, sidewalks and public grounds, or to prohibit said signs wholly or in part; to define the duties and powers of the city surveyor, as well as of any other officers, with respect to such signs; to require that a sketch of said signs be submitted to the city surveyor or any other officer, and that such sketch be deposited in the archives of the city surveyor; to remove and abate any nuisance or obstruction upon the sidewalks, streets, alleys, and public grounds, and prevent the encumbering of the same

with vehicles, boxes, lumber or any other things; to regulate the erection of hitching-posts and rings for fastening horses, and to prohibit the same in any portion of the city; and the city council shall prohibit the piling of snow or other encumbrances upon any street or alley or public place by persons owning or operating any street railway along or across the same;

9.. To regulate or prohibit the placing of poles and the suspending of wires along or across all streets, alleys and public places, and to require any and all wires within prescribed limits, or throughout the city, to be placed as it may designate, beneath the surface of the streets or elsewhere, and to 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, and 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;

Poles, etc.,
on streets,
etc.;

10. To regulate or prohibit the exhibition, the carrying or distribution, or throwing of banners, placards, advertisements, and hand-bills or other articles, in, near or upon streets, alleys, sidewalks and public places;

Exhibition
of banners,
etc.;

11. To regulate or prevent the flying of flags, banners and signs across the streets, alleys and public places, and to regulate, license or prohibit the construction and use of bill-boards and signs adjacent to or near the streets, alleys and public places, or upon any vacant lot or other property;

Flying of
flags, etc.;

12. To regulate or prohibit traffic and sales upon the streets, sidewalks and public places;

Street sales,
etc.;

13. To regulate the speed of horses and other animals, bicycles, cars and locomotives, and other vehicles within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, alleys or public places;

Speed, etc.,
of horses,
etc.;

14. To regulate and prescribe the width of tires on the wheels of vehicles used in the city, and the maximum weight of a load to be drawn over any street in the city, and to direct upon what streets heavily-loaded vehicles may be drawn, and from what streets, alleys and public places the same may be excluded, and to license vehicles of every description;

Width of
tires on
wheels, etc.;

- Names of streets, etc.; 15. To name and change the names of streets, alleys and other public places;
- Use of bridges, etc.; 16. To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers, privies and cesspools within the city, and in such portions of the city as it may designate; to cause the removal of privies and cess-pools, and to compel sewer connection in such portions, and to make the same, and to assess the cost thereof on the property so connected;
- Numbering of houses, etc.; 17. To regulate the numbering of houses, buildings and lots, and to compel the owners of houses and other buildings to have the number of such houses and buildings shown conspicuously thereon or adjacent thereto;
- Railroad crossings, etc.; 18. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys and other public places by railway trains, cars or engines;
- Ringling of bells, etc.; 19. To regulate or prohibit the ringing of bells and whistling of locomotives and steamboats, and the discharge of steam, cinders, sparks and smoke therefrom;
- Ditches to be kept by railway companies; 20. To require railroad companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant water cannot stand on their grounds, and so that the natural drainage of adjacent property and streets shall not be impeded in the limits of the city;
- Pollution of waters, etc.; 21. To prevent the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the city; to prevent the dumping of refuse or other matter therein; to provide for the cleansing and purification of municipal waters and water-courses, 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 buildings or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or department of health may direct, and, upon his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant;
- Fencing and drainage of lots, etc.; 22. To provide that in case the owner of such lot cannot be found and no one to represent 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 for want of means to fence in, cleanse, drain, fill up or level such lot, it shall

be competent for the council to have the same done, and to 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;

23. To fix the amount, terms and manner of issuing licenses, not inconsistent with the law and subject to the provisions of this charter, provided that no license shall be issued for a longer time than one year; Issue of licenses, etc.

24. To license, regulate or prohibit billiards, pool, pigeon-hole tables, ten-pin alleys, bowling alleys, and shooting galleries; Billiards, etc.;

25. To license and regulate auction sales, itinerant merchants and transient vendors of merchandise, runners, agents and solicitors for stages, cars, vessels and houses of public entertainment; Auction sales, etc.;

26. To prevent peddlers or itinerant traders from ply-ing their trade in the streets of the city; Peddlers;

27. To license, regulate or prohibit the exhibitions of showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concert halls, dance halls, theatrical performances, skating rinks and all places of amusement and museums; Exhibitions of show-men, etc.;

28. To prohibit, prevent and suppress riots, routs, affrays, disturbances, disorderly assemblies, dog-fights, prize fights, boxing or sparring matches, cock-fights, and all brutal or depraving exhibitions or sports; Riots, etc.;

29. To license and regulate auctioneers, pawn-brokers, second-hand dealers and junk dealers, and to compel all such persons to keep records of their transactions, and make reports thereof, and to give communication of such records to any constable desiring to examine the same, and to deliver daily, at the nearest police station, a legible and correct extract therefrom, showing the purchases, exchanges or sales, effected by the said persons on the preceding day, and to compel such persons to keep in their possession for at least fifteen days from the date of the purchase, the articles so purchased by them; Auctioneers, pawn-brokers, second-hand dealers, etc.;

30. To license and regulate keepers of intelligence employment offices, and all persons doing a business seeking employment for or furnishing employees to others, and to require such persons to keep such record as it may direct, and to make reports thereof; Intelligence offices, etc.;

31. To license and regulate hackmen, draymen, express-men, porters and all other persons or corporations, including street railway companies, engaged in carrying passengers, baggage or freight in the city, and to regulate their Hackmen, etc.;

charges therefor, and to prescribe standing-places or stations within 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 places than the places so prescribed;

Peddlers,
etc.; 32. To license and regulate all peddlers, book-agents, canvassers, street hawkers, chimney-sweeps, vendors and public criers doing business in the city;

Butchers'
stalls, etc.; 33. To license and regulate butchers' stalls and shops and stands for the sale of game, poultry, meat, fish, fruit and perishable provisions, whether by wholesale or retail;

Dogs, etc.; 34. To license and regulate the keeping of dogs; to prevent dogs from running at large, and to authorize the destruction in a summary manner, or the impounding and sale thereof for the benefit of the city or of any firm or person designated by the city;

Manufac-
ture, etc.;
of gun-
powder, etc; 35. To regulate or prohibit the manufacture, storage, use and conveyance of gun-powder, dry pitch, resin, coal-oil, benzine, naphtha, gasoline, turpentine, gun-cotton, nitro-glycerine and any product thereof, and other combustible or explosive materials within the city;

Fire-
crackers,
etc; 36. To regulate or prohibit the use of fire-crackers, torpedoes, roman candles, sky rockets and other fireworks;

Swimming,
etc; 37. To regulate bathing and swimming in the waters comprised within the limits of the city;

Bawdy
houses, etc.; 38. To suppress bawdy and disorderly houses and houses of ill-fame and assignation within the limits of the city;

Pounds,
etc.; 39. To establish pounds under supervision and control of the council, to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the distraining and sale of the same, and to fix a tariff of fines for such impounding;

Markets,
etc; 40. To establish, license or regulate markets and market-houses; to change, enlarge or diminish the site of any market or market-place, or to abolish any market or market-place now in existence or hereafter to be in existence in the city, and appropriate the site thereof, or any part of such site, for any other purpose whatever, at the discretion of the council; and to fix the rates to be levied on persons selling in the said markets any provisions or commodities whatsoever, or on the said provisions or commodities, or on the vehicles containing the same; provided the present tariff shall not be increased in so far as regards Bonsecours market until said market is enlarged in such manner as to provide space for farmers and gardeners;

Manufac- 41. To regulate the manufacture, sale and conveyance

of bread, to provide for the inspection of bread and bakeries; to prescribe the weight and quality of the bread; to provide for the seizure and forfeiture of bread made, conveyed, sold or offered or exposed for sale, contrary to the by-laws or which is not of the weight or quality required by the by-laws, and to prescribe the manner in which bread seized and confiscated shall be disposed of;

42. To provide for the inspection of meats, 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 destruction of any such products as are unsound, spoiled or unwholesome; to prohibit the bringing into the city and the having or keeping such unsound, spoiled or unwholesome products, and to define the duties, powers and attributions of the inspectors appointed for that purpose; and to prevent any animal or meat brought into the city, from being sold within its limits for consumption, before it has been inspected and stamped in the manner prescribed by the council, at the cost of the city.

43. To inspect milk and to prohibit 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 situated within the limits of the city, whence the milk sold in the city comes; to inspect and regulate the premises in which milk is sold; to compel milkmen selling milk in the city 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 city; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the city respecting milk, as well as those of the Board of Health of the Province, and to suspend or annul such licenses for infringements of the law and by-laws, in addition to any other penalty;

44. To provide for and regulate the place and manner of weighing and selling hay, straw, lime and rough building stone, the measuring and selling of fire-wood, coal and cut stone, and to provide that such various articles and merchandise shall be weighed on public scales controlled and approved by the city; provided that every by-law passed under this paragraph shall apply only to sales by retail;

45. To enforce the use by vendors of proper weights and measures, duly tested and sealed, and to authorize the seizure and confiscation of all goods or merchandise

offered for sale in the city and which may be deficient in measure, weight or quality;

Chimneys,
etc;

46. To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures, and to prevent the construction of such not of the required stability, and provide for their summary abatement or 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, partition and outside walls, the size and material 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 to previously obtain a certificate, in writing, from the building inspector; to prohibit the construction of buildings and structures not conforming to such regulations, and to direct the suspension at any time of the erection of any such building as does not conform to such regulations, and to cause the demolition of any building not conforming to such regulations, if necessary;

Building
regulations,
etc.;

47. To regulate the kind of buildings that may be erected on certain streets, parts or sections of streets or on any land fronting on any public place or park; to determine at what distance from the line of the streets, public places or parks the houses shall be built, provided that such distance shall not be fixed at more than twenty-five feet from the said line, or to prohibit the construction, occupation and maintenance of factories, workshops, taverns, billiard-rooms, pigeon-hole rooms, livery-stables, butcher's stalls or other shops or similar places of business in the said streets, parts or sections of certain streets, or on any land fronting on any public place or park, saving the indemnity, if any, payable to the proprietors, tenants or occupants of the buildings now built or being built or who have building permits, which indemnity shall be determined by three arbitrators, one to be appointed by the city, one by the proprietor, tenant or occupant interested, and the third by the two former or, in default of agreement, by a judge of the Superior Court;

Wooden
buildings,
etc.;

48. To prescribe fire-limits within which wooden buildings or structures shall not be erected, placed or repaired, and to direct that any building within such fire-limits, when damaged by fire, decay or otherwise, to the extent of fifty per cent of its value, shall be torn down and removed, and 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, then to cause the same to be done at the expense of the owner, and to assess the cost thereof by privilege upon the land upon which such buildings or structure stand;

49. To require the owner, tenant, possessor, or occupant Fire-under any title, of a building of three stories or more, to ^{escapes, etc.;} provide such building with fire-extinguishers and fire escapes, such as iron ladders, canvas or metal tubes, or other safety appliances in case of fire;

50. In cases only where the city may deem the same ad-Dry visible, to require every owner, tenant, possessor or ^{sprinklers;} occupant under any title of a building to install dry sprinklers in the cellar, entresol, basement, garret or attic of such building;

51. To prevent the construction and to cause the Removal of removal of dangerous chimneys, fire-places, hearths, ^{chimneys, etc.;} stoves, stove-pipes, ovens, boilers and apparatus used in or about any building or structure; to regulate the carrying on of manufactures liable to cause fires; to prevent the depositing of ashes, or the accumulation of shavings, rubbish or other combustible material in unsafe places, and to make provisions to guard against fire;

52. To regulate the operation of blasts and blasting, ^{Blasting, etc.;} and the construction, location and operation of derricks, windlasses, freight and passenger elevators and other structures, apparatus and operations hazardous to life and property;

53. To declare the emission of sparks, cinders, soot or ^{Sparks, etc.;} smoke from chimneys, stacks and other sources within the limits of the city a nuisance, and to prohibit such emission in any portion of the city, and also to define and regulate the duties of stokers and other persons having the charge and care of boilers, furnaces and smoke-consuming apparatus;

54. To define what shall constitute a nuisance and to ^{Nuisances, etc.;} abate the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist;

55. To provide for and compel the reporting and re-Births, cording of all births and deaths in the city; to compel the ^{deaths, etc., to be recorded, etc.;} physician, midwife, the father, mother or other person, present at the birth of a child, to make a declaration of such birth, within the following eight days, to the board

of health of the city, and to authorize the city to pay a sum not exceeding twenty-five cents for each such declaration;

- Burials, etc; 56. To regulate and prevent the burial of the dead within the city; to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed; to regulate and control the location of cemeteries and crematories, and 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;
- Stock-yards, etc.; 57. 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, gas-works, soap-factories, dye-houses, tanneries, sausage manufactories and other noxious business within the limits of the city, or within a distance of one mile outside of the limits thereof;
- Regulating location, etc., of breweries, etc. 58. To regulate the location, construction and use of breweries, cow-stables, horse-stables, livery stables, black-smiths' shops and foundries within the limits of the city, or prohibit the building of new ones;
- Offensive establishments, etc.; 59. To prohibit offensive or unwholesome businesses or establishments within the city or within one mile of the limits thereof; to prohibit the erection or occupation of any offensive buildings in any place or site where they will damage the neighbouring property; and to determine the localities where certain manufactories or occupations may be carried on;
- Soap works, etc.; 60. To compel the owner of any soap and tallow chandlery, sausage manufactory, pig-sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same;
- Lumber-yards, etc.; 61. To regulate the location of lumber-yards and places for piling timber, fire-wood and other combustible material and the manner of piling the same; and to require any person maintaining any lumber, shingle or lath piles or mill wood yards in the city to remove the same when they become dangerous to buildings, structures or other property;
- Games, etc.; 62. To regulate or prevent the playing of games or any other amusements on the streets, alleys, sidewalks or public places, and to regulate the use of bicycles and other vehicles within the limits of the city;
- Ringling bells, etc.; 63. To regulate or prevent the ringling of bells and chimes, the blowing of whistles and the making of other

noises; to regulate or prohibit the use of noisy carts or vehicles in the city streets and highways;

64. To establish and regulate city hospitals and post-City houses, and to make all regulations which may be neces- hospitals, sary and expedient for the preservation of health and the etc.; suppression of disease, to prevent the introduction or spread of contagious, infectious and other diseases into the city, and to make quarantine laws, and to enforce the same within the city; to regulate, control or prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with the germs of contagious diseases, and to make such disposal of such persons or property as to protect the health of the citizens, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the city, and to order at the discretion of the medical health officer, when effective isolation is impossible in the person's residence, the compulsory removal to the civic hospital of any person affected with small-pox, or any other contagious or infectious disease, with the consent of the physician attending such person;

65. In addition to the powers already conferred upon By-laws it by this charter, to make by-laws on any matter men- re health; tioned in the Quebec Public Health Act (Revised Statutes, 1909, articles 3867 to 3982), but subject to the restrictions imposed by such act. The officers appointed by the city to enforce such by-laws and those passed for the same purpose in virtue of the other provisions of this charter, shall have all the powers assigned by the said Powers of act to the officers of the municipal health authority, in officers. addition to those which the city may confer upon them;

66. To establish and regulate public cisterns, hydrants, Public reservoirs, fountains and watering troughs; cisterns, etc;

67. To regulate the use of gas, electricity and electrical Use of apparatus and other means and agents for furnishing gas, etc.; light, heat and power in the city; and to provide for the inspection of the same;

68. To regulate lodging, tenement and apartment Lodging houses; to prevent the overcrowding of the same, and to houses, etc.; require the same to be put and kept in proper sanitary condition;

69. To require the places where animals are kept, to Stables, etc; be maintained in healthful condition;

70. To license, regulate, or prevent the employment and Occupation occupation of minors in the streets and public places; and of minors in the to grant licenses and make regulations for newspaper streets, etc.; carriers;

Clearing
of brush off
lots, etc.;

71. To compel the owner or owners of vacant property within the city limits to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property;

Regulating
planting,
etc., of trees,
etc.;

72. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the city; to forbid all persons, companies or corporations to cut or trim trees or shrubs in the streets, boulevards, parks, squares or public places in the city, without making previously a written application; to permit the city to grant or refuse such application, and, in the event of its being granted, to stipulate that the work shall be done at the cost of the applicant or applicants, under the supervision and to the satisfaction of the officers to be designated by the city; to compel any proprietor to plant trees in front of his property, under the direction of the city surveyor; to authorize the city surveyor to cause such planting to be done, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city surveyor's order; to punish injuries to the ornamental trees or shrubbery in the streets, parks and public places of the city;

Revocation
of licenses;
Business
licenses, etc.;

73. To provide for the revocation of licenses;

74. To require the payment of a license for the pursuit of all kinds of trades, industries, occupations and of all kinds of business, the payment whereof cannot be enacted under any other provision of this charter, and to divide, in certain cases, such trades, industries, occupations and business into different classes for the purpose of determining the price of the license according to the rental of the premises in which such trades, industries, occupations and business are carried on;

Work-
houses, etc.;

75. To establish and maintain work-houses or refuges in the city or elsewhere; to make rules and regulations for the government and management of such work-houses or refuges, and to prescribe the duties of the keepers and officers of the same;

Lighting,

76. To provide for the lighting of the city;

Bicycle
paths, etc.;

77. To provide for and regulate the construction and use of bicycle paths upon any street, alley or public place;

Employment
bureau;

78. To establish, maintain and regulate a municipal employment bureau;

Public
franchises
and exercise
thereof
in streets;

79. To regulate and control,—in a manner not contrary to any specific provisions on the subject contained in this charter,—the exercise, by any person or corporation, of any public franchise or privilege in any of the streets or places

in the city, whether such franchise or privilege has been granted by the city or by the Legislature;

80. To make rules for the proper observance of Sunday, provided that the powers granted to the Zoological Garden of Montreal under the act 57 Victoria, chapter 77, be not regarded as affected by any such by-law; Sunday observance, etc.;

81. To prohibit the selling on Sunday by shop-keepers, peddlers, hotel-keepers, tavern-keepers or other persons, of goods, wares, merchandise or intoxicating liquors, in any hotel, tavern or place of public entertainment, or the purchasing or drinking of intoxicating liquors therein; to enforce the closing of saloons and taverns, from midnight on Saturday, until Monday morning; to permit and regulate the sale on Sunday of fruit, confectionery, temperance drinks and other dainties, as well as the sale of flowers, cigars, pipes, tobacco, toys and other small articles or knickknacks, as well as oysters and newspapers, in the city and in St. Helen's Island Park; as well as certain games, amusements, concerts, museums, sports and recreations, with the exception of theatrical performances and the running of ferry-boats between the city and St. Helen's and adjoining cities, towns and villages; Selling goods or liquor on Sunday, etc.;

82. 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 Sunday; Disturbance of religious worship, etc.;

83. To license and regulate the posting of bills and placards; to prohibit the posting or exhibiting of obscene or offensive placards, paintings, drawings, statues or inscriptions, in any street or public place, or in any other place visible from such street of public place; Posting of bills, etc.;

84. To license, regulate or prohibit musical saloons or establishments where intoxicating liquors are sold and wherein instrumental and vocal music are used as a means of attracting customers; to license or prohibit the use, by itinerant players of hand-organs, or other musical instruments, for pay or in expectation of pay, in any or all the streets or public places; Musical saloons, etc.;

85. To enforce a complete and efficient system of vaccination; to establish offices for that purpose; to appoint officers and 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 labouring under 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 take such measures Vaccination, etc.;

as the council may deem necessary to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease, any law now in force to the contrary notwithstanding;

Returns by
cemetery
companies
of burials,
etc.;

86. To compel the superintendents of any cemetery in the city or in the adjoining municipalities to prepare and deliver to the corporation regular returns of the total number of persons buried in such cemetery; to regulate the manner and form in which such return shall be made; to exact that, in all cases of death occurring in the city, a certificate be deposited in the health office, and that such certificate be made in the form and manner determined by the board of health and the council, and also to adopt means to obtain accurate and sure returns respecting mortality and the causes thereof; to authorize the medical health officer 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 or other particulars which public health may require; to prevent any corpse being taken out of the city without a special permit from the medical health officer, without prejudice to existing laws respecting coroners' inquests and the examination of any corpse; to prevent burials in the city, except those of priests and nuns which may be effected in the Roman Catholic churches and chapels of the city;

Steam-
engines, etc.;

87. To compel persons owning or using steam-engines, steam-boilers, factories, works, 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 establishments, and to impose a fine, not exceeding 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 a further fine of not more than fifty dollars per day, for each and every day the offender shall continue in the violation of such by-law;

Fencing
vacant lots
of land, etc.;

88. To compel the proprietor of any vacant lot of land in the city to fence in or enclose the same, and to regulate the height of every such fence or enclosure and the materials and construction thereof;

Subdivision
into streets

89. To regulate the subdivision into streets of any land situated within the limits of the city, and to prohibit any

such subdivision whenever the same does not coincide of lots in
with the general plan of the city, and to compel the owners city, etc.;
of private streets and lanes to indicate that the same
do not belong to the city;

90. To regulate, license or prohibit the teasing of wool, Teasing of
hair, and other like articles, and the collection of rags; wool, etc.;

91. To regulate the sale of horses and to levy an annual Sale of
tax or license, not exceeding fifty dollars, on horse-dealers, horses, etc.;
and to authorize the collection of the same; and to estab-
lish a horse market, and to levy taxes or duties on persons
selling or offering horses for sale therein;

92. To regulate the kind of vehicles in which articles Vehicles on
may be exposed for sale in or about the markets, and the markets,
manner in which they shall be there located; to impose a etc.;
duty on such vehicles, and to establish the mode in which
such duty shall be collected;

93. To provide that provisions or provender usually Sale of
bought and sold in the public markets and that may be provisions,
brought to the city for sale, be taken to the public markets etc.;
to be offered for sale there, and that no such provisions
or provender shall be offered or exposed for sale or be
sold or purchased elsewhere in the city than on the public
markets; but the council may empower any person to sell,
offer or expose for sale, beyond the limits of the said
markets, meat, vegetables and provisions usually brought
and sold on the public markets, by granting him a license
for that purpose, upon the payment of such sum and on
such conditions as shall be fixed by by-law. Nevertheless, Proviso.
the city shall grant yearly licenses, the price whereof shall
not exceed twenty-five dollars, to farmers, gardeners and
market gardeners or dealers in farm produce, allowing
them to sell their produce to grocers, butchers, fruit or
vegetable dealers and other provision merchants, at the
respective stores or warehouses of the latter. The pro-
visions of the city charter and by-laws respecting the
manner of issuing permits and licenses shall apply to such
cases. Nevertheless this clause shall not affect the rights
of the owners or lessees of butchers' stalls within the
limits of the forbidden zone of the Maisonneuve Market
established by the city, who were also owners or lessees of
stalls on the 9th of February, 1918, who may there carry
on their trade by conforming to the city by-law,—the
whole without prejudice to the rights vested in the owners
or lessees of stalls by the act 10 George V, chapter 86;

94. To regulate the manner and route in and by which Horned
horned cattle and other animals shall be driven in the city, cattle, etc.;
and the destination of cattle intended for slaughter;

95. To establish, regulate and manage public abattoirs, Abattoirs;

either within or without the city limits, that is to say, at a distance of three miles from such limits; provided, in the latter case, that the city have already obtained or obtain, previously, the consent of the council of the municipality in which it wishes to establish such abattoirs; and to prohibit the establishment of private abattoirs in the city;

Width of streets, etc.; 96. To regulate the width of the streets, and to establish or alter the level of any roadway or sidewalk in any street; to aid in the prolongation of streets or public roads in adjoining municipalities; to regulate all things concerning the streets, parks (including Mount-Royal Park, St. Helen's Island and Lafontaine Park), squares, bridges or drains, in the city; to protect the same from any encroachment or injury, and to close and forbid the use of any street;

Alignment, etc.; of streets, etc.; 97. To cause the alignment and level of any street, lane or public square to be established and fixed by such officers, and to compel every person erecting a building on any street, lane or public place, to obtain from the city the alignment and level of such street, lane or public place, and to sign a minute to that effect, a copy whereof shall be delivered to him at his request on payment of an amount not exceeding two dollars;

Prevention of certain accidents, etc.; 98. To adopt the by-laws which the council may deem necessary in order to prevent accidents in winter caused by the accumulation of snow or ice on the sidewalks and roofs of dwellings or other buildings; and for such purpose to determine in what manner the said sidewalks and roofs shall be maintained.

Responsibility of certain persons, etc.; Every person bound by the law or the by-laws of the council to keep the sidewalks or roofs in good order, shall be responsible to the city for all damages resulting from the bad condition of such sidewalks or roofs as well as for every infraction in this connection, and may be called in warranty by the city in any suit instituted against the latter for the recovery of such damages, and shall be held to indemnify it for any condemnation on such suit.

Actions in warranty. Actions in warranty taken under this paragraph shall be governed by the rules of procedure governing simple warranty;

Natural water-courses, etc.; 99. To determine the direction of natural water-courses passing through private property, and to regulate all matters concerning the same, whether the said water-courses be covered or not.

Proceeding in annexed municipalities not to The procès-verbaux and by-laws governing water-courses or ditches adopted by any municipality, whether annexed to the city or not, shall have no effect as regards

the portion of such water-courses or ditches situated ^{affect}city; within the city.

The city may make by-laws on all matters connected ^{City may} with the portion of the said water-courses or ditches ^{make by-} situated within the city, and determine by whom they shall ^{laws, re-} be maintained, or may maintain them itself and charge ^{ditches, etc.;} the costs of such maintenance to the owners whose lands are drained wholly or partly by or into such water-courses or ditches.

The city is also empowered to regulate the construction ^{Regulation} and maintenance of all other water-courses and ditches ^{of cons-} not governed by procès-verbaux or by by-law for the ^{truction and} portion of such water-courses and ditches within its limits, ^{mainte-} and determine by whom and when such maintenance work ^{nance;} shall be done;

100. To regulate the sewerage of the city, with the right ^{Sewerage,} to use any natural or verbalized water-course to empty ^{etc.;} the filtered water from their sewage farms, saving recourse for damage or indemnity if any there be; to assess proprietors of immoveable property for the purpose of defraying the cost of making any common sewer in any street in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors, and the cost of such repairs as are rendered necessary in the permanent 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 said property or otherwise, and the manner of levying such assessment;

101. To permit the city to provide, when it is necessary, ^{Safety} suitable automatic safety-valves at connections in the ^{valves;} sewerage for the draining of any lots, whether built upon or not, the cost thereof to be borne by the owner of the property; and such costs shall be recoverable as per statement prepared by the city; and to provide for the inspection of such safety-valves by the city;

Any action for the recovery of the said costs may be brought by the city, whatever may be the amount, before the recorder's court of the city of Montreal, which shall have jurisdiction to hear and decide such cases;

102. To regulate the time when private drains shall be ^{Private} made, as also the manner and materials with which the ^{drains, etc.;} same may be constructed, the city making the same from the line of the street to the common sewer; and to assess the cost of the same on the owners;

Valves on
private
drains, etc.;

103. To require the owner of any building to be erected in future to instal on his private drain, at the place indicated by the city, an automatic valve approved by the said city, and also to require the said owner to connect the spouts from the roof of such building with the private drain, and to make such connection between the valve and the street sewer;

Main
sewers and
tunnels,
etc.;

104. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality its share of contribution and maintenance of such main sewers or tunnels, 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; to compel such municipalities to pay the damages resulting from their use of the city drains for their drainage; to construct drains in private streets and lanes when required in the interest of public health, without being bound to pay any damage or compensation for the use of such streets or private lanes for such work;

Railway
tracks, etc.,
in city, etc.;

105. To permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city; to regulate the number of passengers to be carried in each car or vehicle used by such street railway; to regulate the condition in which the cars are to be kept; to regulate the use of locomotive engines, and of steam, or any other motive-power on any railways in the city; to prescribe and regulate the speed of the cars; and to impose penalties, not to exceed four hundred dollars, upon the company managing any such railway, or any of its servants, for each and every violation of any such by-law;

Duties, etc.,
of building
inspector,
etc.;

106. To define the duties and powers of the inspector of buildings, and to authorize him, and such other officers as the city may appoint for the purpose, to issue permits for the construction, extension, alteration or repairing of all buildings; to require that plans and specifications and all other documents in this connection be submitted at the same time as the application for a permit; to require that such plans, specifications and other documents be deposited in the department of the inspector of buildings, where the same shall be filed of record; to visit and examine, in the performance of their duties, the interior as well as the exterior of any house or building under construction, under repairs or completed for the purpose of adopting

any measures tending to prevent fires or deemed necessary for the safety of workmen and for public safety; to require that all dwellings be provided with at least two exits with stairs leading to the ground, and to provide for the immediate demolition, after notice, of every building erected in contravention of the municipal by-laws;

107. To regulate the erection, inspection, use or employment of steam-engines and steam-boilers, dynamos and all machines operated by any power whatsoever; to determine the qualification of the persons charged with the working of the same; to define their examination; to determine the license or certificate they must obtain, and to define the qualities, rights and powers of the persons appointed to make such inspection and hold such examination;

108. To provide for the organization, equipment, maintenance and discipline of a police or constabulary force in the city, with power to regulate the residence, classification, rank, service, inspection and distribution of such force, and to prescribe its 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 or both, of any member of the police force who shall, directly or indirectly, accept any money or gratuity, or any kind of intoxicating liquor;

109. To provide for the punishment, by fine, or imprisonment, of any person who accepts or, directly or indirectly, offers any sum of money or any gratuity whatever for the purpose of promising a place or employment in the corporation, and by the loss of his situation if the guilty party be an employee of the corporation;

110. To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandise, whether such owners reside in or outside of the city; for the good government and discipline of the drivers of such vehicles for hire; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by a tariff;

111. To prevent any person residing beyond the city

Licensing
non resi-

dents who
trade in
city, etc.;

Proviso.

Masters
servants,
etc.;

Ferry-men,
etc.;

Pension
fund;

Public
baths, etc.;

Contribu-
tion to
libraries,
etc.;

Uninhabi-
table build-
ings, etc.;

Census, etc.;

Board of
health;

limits, from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business; provided that there be no unjust discrimination against such person;

112. To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers;

113. To regulate the persons plying as ferrymen to and from the city, and to establish a tariff of rates to be charged by such ferrymen;

114. To create and establish (and the city shall create and establish within a delay of twelve months from the 3rd day of April, 1912,) out of the general funds of the city, a pension fund for the officers and employees of the city, with such conditions and stipulations as the council may determine, and to compel the said officers and employees to contribute to such fund out of their salaries in such proportion as may be fixed by the council;

115. To establish and maintain public baths, bath-houses, comfort houses and lavatories;

116. To contribute to the establishment and maintenance of libraries, reading rooms and public museums for historical, literary, artistic or scientific purposes; and also to give subsidies to agricultural, industrial or international exhibitions;

117. To provide, after notice given to the interested parties, according to this charter or the by-laws, for the closing and demolition of buildings within the city which are no longer fit for human habitation or occupation, and to recover from the owners of such buildings the cost of clearing and demolishing the same, when the work has been done by the city, which cost shall be a hypothecary charge upon the immoveable;

118. To take, once in every three years, a census of the inhabitants of the city, for the purpose of ascertaining their number, and of obtaining statistics regarding their social, economical and sanitary condition;

119. To establish a board of health, with such privileges, powers and authority as the council may deem fit; which board may be composed of aldermen or of qualified citizens outside of the council; to take means to promote the health of the city; to provide precautionary measures against the introduction of diseases; to make regulations for preventing contagion or infection therefrom, and for diminishing the danger thereof; and to define

and regulate the duties, powers and attributions of the health officers;

120. To organize, maintain and regulate a fire department and fire brigade, and to equip and maintain the same ^{Fire department, etc.;} with all necessary appliances by purchase or lease; 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 or persons who may interfere with any member of the fire brigade in the performance of his duty, or who may tamper with, impede or obstruct any of the signal boxes, wires, or apparatus of the fire alarm department;

121. To authorize the demolition of buildings and fences, when deemed necessary to arrest the progress of ^{Demolition of buildings at fires;} fire; to provide for the removal and keeping at a distance from fires of any person or persons whatever; to empower the mayor, the chief, or other officials to exercise the powers mentioned in this paragraph; to authorize the mayor, under such provisions as the council may enact, to send fire-engines, men, and apparatus to the relief of any municipality outside of the city, 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; to provide for the erection of fire-stations or engine houses, and the purchase or expropriation of sites therefor, subject to the provisions of this charter; to provide for the punishment, by fine or imprisonment, before the recorder's court, of any person who shall refuse to obey the lawful orders of the chief or acting chief of the fire department, at any fire in the city;

122. To regulate or interrupt traffic in the streets of the city, whenever works of public improvement, duly ^{Traffic in streets in certain cases;} authorized, are being performed thereon, or in case of fire;

123. To regulate or temporarily interrupt traffic in the streets of the city on the occasion of any public reception, procession, celebration or public rejoicing, provided that ^{streets on occasion of public} notice thereof be given by proclamation of the mayor or, in his absence, of the acting-mayor, in at least two newspapers, one published in the French language and the other in the English language; ^{receptions, etc.;}

124. To suppress all places where opium or any other ^{Opium} similar drug is sold or supplied for consumption on the ^{joints;} premises, and to punish the persons keeping, living in,

frequenting or found in such places, by a fine or imprisonment or by both penalties at once;

Begging; 125. To regulate or prohibit begging in the streets and public places;

Drawing plans of certain streets; 126. To draw plans of streets extending from the city limits to the confines of or to any place on the island of Montreal for the purpose of having a general plan of the streets throughout the island.

Notice to municipalities interested, etc.; The city shall first, by special notice duly served, convene a conference of all the municipalities interested, which conference shall be held at the place, day and hour specified in the notice. The delay shall be of at least thirty clear days between the service and the day specified.

Drawing up plans after conference; After the conference, the plan shall be drawn up, by order of the city, in such manner as to conciliate the various opinions in so far as possible to meet the object aimed at by this article.

Deposit of plan; When the plan of a street or of several streets shall be completed, it shall be deposited in the office of the city surveyor where it may be examined by the interested parties.

Notice of deposit; Notice of such deposit shall be published in the manner prescribed for public notices, and a special notice shall be served upon each municipality interested.

Petition for confirmation of plan; The city attorney shall apply, by summary petition, to the Superior Court or to a judge thereof, to obtain the confirmation and ratification of the plan. The notices of the deposit of the plan shall specify the place, day and hour of the presentation of the petition, and the delay shall be of at least thirty clear days after the publication of the public notice and the service of the special notices.

Hearing and decision of petition; All the interested parties shall have the right to be heard on the petition, and, if all the formalities have been fulfilled, the court or judge may confirm and ratify the plan, either purely and simply, or by ordering such changes as justice may require, or by limiting the application of the plan to such or such municipality or part of a municipality.

Deposit and certification of confirmed plan; After the confirmation of the plan, a copy, certified by the mayor or the city clerk, shall be deposited in the office of the prothonotary of the Superior Court for the district of Montreal, in each of the registry offices of the island of Montreal and in the office of the Provincial Secretary, and a copy shall be sent to each municipality interested. Such copies shall be further certified by the prothonotary of the said Superior Court in the following

terms: "Confirmed by the Superior Court on the day of _____".

When such formalities are fulfilled, the plan shall be binding upon every municipality concerned. Plan binding.

The provisions of this paragraph shall not apply to municipalities that have already had plans of their streets made and homologated, unless they consent thereto. Certain municipalities not affected;

As to the other municipalities, notwithstanding any provisions to the contrary, they shall, when making a plan of their streets, comply with the provisions of the Cities and Towns' Act (Revised Statutes, 1909, articles 5642, 5643 and 5644), and shall, further, give the city of Montreal special notice of the presentation of the petition for confirmation; Law applicable in certain cases;

127. To protect the members of the fire brigade of the city against accidents resulting from false fire alarms, and, to that effect, to impose on those who sound false alarms, for the first offence, a fine of one hundred dollars, and in default of payment, imprisonment for a term of not less than six months; for the second offence, a fine of two hundred dollars, and, in default of payment, imprisonment for a term of not less than twelve months; for the third offence, two years imprisonment without any option of a fine, the whole with costs; Penalty for false alarms of fire;

128. To make companies, corporations, partnerships or persons having private alarms connected with the municipal fire alarm system, pay an amount of not more than fifty dollars every time an alarm is given by such private alarms and no fire has occurred. Penalty for false alarm on private system;

The amount which the city may collect as aforesaid shall be fixed by by-law, and such by-law may be amended or changed from time to time;

129. To prescribe the manner in which the numbers of licenses issued under this charter shall be replaced, and the amount to be paid therefor, in cases where persons to whom they have been delivered declare that they have lost them; to compel holders of licenses to take greater care of such numbers; to impose a fine not exceeding two dollars in every case where the holders of licenses cannot prove the loss of a number by the oath of the person who is supposed to have lost it, and to prescribe that, where such proof is adduced, every number lost may be replaced by the city on payment by the holder of the license of a sum not exceeding fifty cents, and that, in default of the payment of the fine above-mentioned, no duplicate number shall be delivered; Replacing of lost numbers of licenses;

Adulteration of food, etc.;

130. In the interest of public health, to prohibit the adulteration of any substance intended for food; to prohibit the sale of any adulterated or unwholesome food, and order the confiscation or the confiscation and destruction thereof, as the case may be; to define what constitutes food for the purposes of this paragraph, as well as what shall be considered an adulteration thereof; to enact that a third offence against any by-law passed in virtue of this paragraph shall render the offender liable to imprisonment, not exceeding two months, at the discretion or the recorder, in addition to the usual penalty;

Payment by proprietors of underground connections, with fire-alarms, etc.;

131. To compel all persons, firms, companies or corporations, including all owners of theatres and other establishments having now or in future on their premises either a fire alarm box or an alarm gong, to pay to the city or to the contractor who has done the work, the cost of all underground connections leading to such box or gong, and to authorize the city to cut off or have the connections with the fire alarm system cut off in case of refusal to pay such cost;

Private underground conduits to reserve ducts for fire-alarm wires, etc.;

132. To compel all persons, firms, companies or corporations who shall build underground conduits in the streets, thoroughfares or public places in the city to reserve one duct, in such conduits, sufficiently large for the city to place therein, at its own risk and peril, at least two wires for the fire alarm and patrol alarm telegraph, for the use of the city; provided that the installation and maintenance of such wires shall be made and maintained by the owners of the conduits, if such owners so desire, at their own expense. But in such cases the city shall indemnify the said company or person for the additional costs occasioned to them by the reservation of such duct; such cost shall be estimated by arbitration in default of an understanding between the parties;

Proviso.

Tax upon cellars, etc.; under streets, etc.;

133. 1. To compel every person, firm, company or corporation to whom a permit has been granted for the construction of any cellar, vault, coal chute, or opening with permanent covering, tunnel, viaduct or conveyer either above or underground, in any street, thoroughfare or public place of the city, and generally for the occupation of the public domain for private purposes, to pay an annual tax not exceeding five per cent of the superficial value of the land occupied as aforesaid, taking as a basis the municipal valuation, per foot, of the bordering property situated opposite, irrespective of the value of the building,—provided that this paragraph shall not affect any company that has obtained the power in virtue of its charter;

Proviso.

2. To hold such person, firm, company or corporation responsible for the damages or claims resulting from the construction, existence or maintenance of such works on the city property; Liability of proprietors for damages etc.;

3. To determine the places where and the manner in which such works shall be done, and the quality of the materials to be used in connection therewith; Where work to be done, etc.;

4. To revoke any such permit granted for any of the above purposes after a notice in writing of at least one month given to the proper party; Revocation of permit;

134. Every tax imposed by the city under by-laws based on paragraph 133 shall be a tax on immoveables and a privileged claim ranking, without registration, on the proceeds of the sale of the immoveables for the use whereof the occupation of the public grounds has been permitted, in the order fixed and determined by the Civil Code. Certain taxes to be privileged;

All provisions of this charter respecting annual taxes on immoveables shall apply to these taxes;

135. The city may make arrangements with the Government of Canada in order to capitalize and commute the tax exigible in virtue of the municipal by-laws for the construction of vaults, bridges, or tunnels, over or under any street or throughfare. Capitalization and commutation of tax authorized;

The arrangements of this nature which have already been made with the Government of Canada are declared valid and legal; Ratification.

136. To make by-laws authorized by law, apply only to a portion of a ward, or to one ward or to several wards of the city; By-laws applicable to part of ward, etc.;

137. To enact that all municipal officers shall be authorized to enter at any time, in public buildings, industrial establishments, places of amusements, hotels, apartment houses, educational and charitable institutions, or in any other premises or places where explosive compounds, shavings, rubbish or other materials, articles, goods or merchandise liable to cause fire are placed or kept, in order to ascertain whether such explosive compounds, shavings, rubbish, or other materials, articles, goods or merchandise are so kept or placed in such a manner as, in the opinion of any such officers, to be a source of danger of fire; Entry of municipal officers into public buildings;

138. To compel the owners, tenants, occupants, caretakers, and watchmen of any such public buildings, industrial establishments, places of amusement, hotels, apartment houses, educational and charitable institutions, and Keeping of explosives, etc., so as not to cause fire;

any other premises or places, where are placed and kept any explosive compounds, shavings, rubbish, or other materials, articles, goods or merchandise liable to cause fire, to place and keep the same in such a manner that, in the opinion of the said officers, they may not cause any fire; to give such municipal officers power to order that they be so arranged that there shall be no danger of fire, and to prescribe that in the event of the by-laws or orders so given not being complied with, the same shall be removed at the expense of the delinquent, and that the latter shall further be liable to such penalty as the council may enact within the limits authorized by this charter;

Prevention
of piling up
merchan-
dise, etc.;

139. To prevent the piling up of merchandise, goods, produce, stock in trade and other articles whatsoever, in windows, doors, or other places required for circulation, in warehouses, industrial or commercial establishments, so as to allow the firemen free access and unimpeded passage in any part of such warehouses or establishments;

Driving
over hose,
forbidden;

140. To prohibit all persons driving over or across hose in use, about to be used or which have been used in any street, avenue, lane or public place by the fire department, except His Majesty's mail, or ambulances when conveying any patient or injured person to any hospital, or proceeding to the scene of an accident, or any vehicle which the officer in command at a fire may permit to pass under his direction;

Special
constables;

141. To give firemen the powers and duties of special constables;

Patrol
wagons, etc.;

142. To enact that on the approach of any ambulance or of any vehicle or apparatus of the Fire Department, the patrol wagons of the police or of tramway and light companies in the city, responding to a call, every owner or driver of any vehicle or motor vehicle whatsoever shall bring the same to a stand-still on the right hand curb and remain there until the said ambulance, vehicle, apparatus or patrol wagons shall have passed, and to enact that, in the case of tramways, the cars shall also stop as promptly as possible, and remain stationary to allow the ambulance, vehicles and apparatus of the Fire Department or patrol wagons to pass;

Posting of
certificates,
etc.;

143. To oblige every engineer having charge of any engine or steam boiler in the city, to post up his certificate or license in a conspicuous place in the engine room or furnace room;

Engines,
etc.,

144. To impose a fine on every owner or lessee of an

engine or boiler, for each day he employs engineers not provided with a regular certificate;

145. To pass, notwithstanding any law to the contrary, ^{By-laws, re motor cabs, etc.;} with regard to every owner, chauffeur, or driver of motor vehicles used for the conveyance of passengers, by-laws similar to those governing cab-men; to fix the fares which such persons have the right to charge; to punish persons using such vehicles and refusing to pay the established fare; to prescribe the places where such vehicles may stand; and to prevent them from standing elsewhere than at such places, and to regulate the inspection of the taximeters with which such vehicles may be provided;

146. Notwithstanding the provisions contained in ar- ^{Power to regulate speed of motor trucks, etc.;} ticles 1388 to 1424 of the Revised Statutes, 1909, to regulate the speed of motor trucks used for conveying any articles, goods, or materials in the streets of the city, by enacting that such trucks shall run only on such streets as the city may designate, and shall not run at a greater speed than four miles per hour;

147. Notwithstanding any law to the contrary, to ^{Prohibiting excavations etc., in streets, etc.;} prevent any person, firm, company or corporation whatsoever from making any excavations in any street, lane, thoroughfare or public place, including squares and public parks, without having previously deposited in each case with the city treasurer, a sufficient sum, which shall be fixed by the general manager of the city, to perform the work required in order to restore the road-way, macadam, paving and sidewalk to its former state of solidity and durability, and even to renew the same should the general manager of the city so decide, the whole subject to the provisions hereafter set forth; to provide that the work of refilling the cut or excavation shall be done by the person who has made such cut or excavation, under the supervision and to the satisfaction of the officer designated for that purpose by the general manager, and that the repairs to the road-way, macadam, paving and sidewalk shall be made by the city and that the cost thereof shall be paid out of the deposit in the hands of the city; to provide that, in the event of the sum deposited not being sufficient to pay the cost of such repairs, the city may require an additional amount to entirely cover the cost of such repairs, without diminishing in any way the obligations and responsibilities towards the city of the person who shall have the excavation made.

Any such deposit shall be made either in cash or by ^{How} bonds of a surety, guarantee or trust company authorized ^{deposit shall be made.} to do business in the Province of Quebec, and, in the event of accident to any underground installation necessitating

immediate excavations, a delay of forty-eight hours shall be granted to such persons, firms, companies or corporations to make the deposit required by this paragraph. In the event of any dispute between the city or the general manager and any such persons, firms, companies or corporations as to the extent or cost of the repairs rendered necessary by any excavations, the same shall be submitted for adjudication to the Quebec Public Service Commission, and the decision of such Commission shall be final and without appeal.

Pending litigation before the Public Service Commission, the city shall, nevertheless, have the right to proceed with the repairs.

Saving
clause.

The foregoing provisions shall not in any way affect any contracts existing between the city and any persons, firms, companies or corporations;

Exclusive
use by fire
depart-
ment, etc.,
of certain
horns, etc.;

148. To allow, notwithstanding any law to the contrary, the vehicles of the fire department, the patrol wagons of the police or of tramway and light companies and the hospital ambulances, the exclusive use of horns or alarm whistles of a pattern to be determined by the city, and also to determine the exclusive manner of using the same;

Municipal
ice-houses,
etc.;

149. To provide for the establishment and operation of ice-houses, of fire-wood and coal yards and of dairies, and to authorize the city to carry on a general trade in ice, fire-wood, coal and milk.

The cost of the lands and buildings required for establishing such ice-houses, fire-wood and coal yards and dairies may be charged against the loan fund, but the other expenses and the purchase price of the ice, fire-wood, coal and milk may be paid out of the reserve fund to the amount of fifty thousand dollars, but the surplus shall be paid out of the general revenue of the city.

For the purchase of the above articles of trade, the city shall not be obliged to call for tenders, but may purchase such various articles on the market, in the ordinary course of business;

Cutting,
etc., of
weeds;

150. To compel the owners or occupants of any lot of land except farm lands, to cut and destroy, between the 15th of July and the 15th of August of each year, all weeds whatsoever existing thereon which may be a source of danger of fire, and to determine in what cases such weeds are a source of danger;

Circulation
of auto-
buses, etc.;

151. To permit, under such conditions and restrictions as the city may impose, the circulation of autobuses and the establishment, maintenance and operation of autobus lines in the city of Montreal; to prescribe on which streets

they may circulate and be established, and from what streets they may be excluded, subject to the provisions of articles 1388 to 1435 of the Revised Statutes, 1909, governing motor vehicles respecting speed limits, the registration of vehicles and the licenses of owners and chauffeurs;

152. To compel the owners of automobiles and taxi-Taxi meter cars kept for hire, to provide their cars with taxi-meters, etc.; meters of a model approved by the city, and impose a penalty on every chauffeur of an automobile or taximeter car kept for hire, who has no taximeter;

153. To regulate the government and discipline of chauff-Discipline of feurs of automobiles and taxicabs for hire, and to punish chauffeurs; persons who use such vehicles and refuse to pay the tariff rates indicated by the taximeter and to allow the city to inspect the taximeter;

154. To regulate: (a) the manner of placing in the streets, lanes or public places, or in or on private proper-Placing of ties, overhead and underground wires, with their acces-wires in sories and installation; (b) the manner of connecting any streets, etc.; building now erected or to be hereafter erected, or any machine or apparatus, in said buildings, with the wires and installations of persons, firms, and corporations supplying or producing electric power within the limits of the city; (c) the manner of placing the wires in any building where electric power is used; (d) the nature and kind of materials and appliances to be used and the method of using such materials and appliances. This paragraph shall not be construed so as to restrict in any wise the rights and powers conferred upon the city in virtue of any of the provisions of this charter and its amendments;

155. To make the sanitary and medical inspection of houses in which persons are harboured, and to compel the owners or tenants of such establishments to keep a register Inspection of houses of refuge, etc.; in which the names of the persons harboured by them shall be entered, with the date of admission and of the discharge of each of them;

156. To prohibit or regulate the traffic in the streets, lanes and public places of the city, of any vehicle, truck, etc., of or other traction vehicle driven by steam. The council steam vehicles; may also regulate the traffic in the streets and public places of all traction vehicles driven by gasoline, electricity or other motive power, and enact that the wheel tires of such vehicles shall be covered with rubber and that such vehicles may run only in the streets designated by the council.

The prohibitions contained in articles 1418 and 1423 Motor vehicles, of the Revised Statutes, 1909, shall continue to apply to not used for traction, etc.; motor vehicles which are not used for traction purposes

and the wheels of which have tires of rubber or any other material, the ordinary use whereof will not damage the streets, lanes and public places in the city;

Stop-cock
in main
gas pipe
in every
house;

157. To compel every owner of a building now or which may hereafter be erected, where gas is used for lighting or other purposes, to place a stop-cock on the main gas pipe of the same dimensions as such pipe, inside of said building, in a convenient place, easy of access and as close as possible to the wall where such pipe enters the building;

Arrange for
connection
of electric
wire with
underground
conduits;

158. To compel the owners, occupants, possessors or tenants of any building now existing where electricity is used for lighting or other purposes, to arrange, within such delay as it may fix, the electric wires inside of such building so that they can be connected with the wires of the underground conduits, and to impose for the violation of such by-law the penalty provided by this charter. Failure to comply with such by-law within the delay fixed shall constitute a separate offence, for each day after such delay;

Dwellings
on lanes.

159. To prohibit the erection of dwelling-houses on lanes;

Early
closing of
barbers'
shops;

160. To order that, throughout the whole or part of the year, barbers' shops within the city limits shall be closed and remain closed, on each day or any day of the week after the times and hours fixed and determined therefor; but the times and hours so fixed and determined shall never be later than seven o'clock in the morning nor earlier than seven o'clock in the evening;

Barbers'
shops
closed on
holidays;

161. To order that barbers' shops be closed upon the following holidays: Good Friday, Labour Day, Christmas Day and New Year's Day;

Milk
dealers to
furnish
list;

162. To compel all persons selling or distributing milk or cream in Montreal to furnish a list of names and addresses of those who supply the milk or cream so sold or distributed;

Regulation
of meat
to be used
as food;

163. To prohibit the use of the flesh of dogs, cats or horses for consumption by human beings or animals, or to regulate the slaughter and the inspection of such animals, before and after being slaughtered, as well as the manner in which the flesh of such animals may be sold or utilized;

Bottling
establish-
ments;

164. To inspect and regulate, from a sanitary point of view, establishments where non-alcoholic drinks are made and bottled;

Regulation
of furnaces,
etc;

165. To regulate the installation, inspection and use or employment of hot water furnaces and other heating apparatus;

166. To compel all public relief institutions, whether subsidized or not, to report to the city every year on the work they have done, and to fill up the forms furnished them for such purpose; Returns by institutions;

167. To regulate or prohibit tag-days in the streets and public squares or from house to house; Tag-days;

168. To forbid any one to buy workmen's tools from any person who is not a trader, unless the seller give the buyer a certificate from the chief of police of the city or his representative that such tools belong to the said seller, which certificate shall be kept by the buyer for at least one year; Workmen's tools;

169. To prescribe the manner of throwing snow from roofs, galleries, platforms or porticoes into private streets or lanes, and order in what manner and at whose expense such snow shall be removed; Clearing roofs, etc., of snow;

170. To forbid anybody to buy from a non-trader any metal pipes or other second-hand metal articles used in the erection of buildings, unless the seller give the purchaser a certificate from the chief of police of the city or his representative establishing that such articles belong to him; which certificate shall be kept by the purchaser for at least one year; Forbidden to purchase certain articles from non-traders;

171. To compel any person who, as owner or in any other capacity, leases immoveables in the city for any purpose whatever, to give the city a written notice of any verbal or written lease made, or of any leave granted to occupy the same, and of the departure of any tenant or occupant from the premises leased or occupied, and to determine what such notice shall contain and within what delay it shall be given; City to be notified of loans, etc.;

172. To give names to private streets and to change the names of any public or private street notwithstanding any contract or agreement designating such public or private street, and to forbid anybody giving a name to a private street and designating it under such name, without the same being previously approved by the city; Names of streets;

173. To compel every person retailing poultry, eggs or vegetables (except fresh vegetables) in the city, to sell the same by weight; Sale of poultry, etc.; by weight;

174. To forbid master plumbers to employ journeymen plumbers who have neither obtained a license from the city nor the certificate of competency required by the city by-laws; to compel the master plumbers to give to the city the name and address of every journeyman plumber in their employ. Master and journeymen plumbers.

Cabstands. **336.** Notwithstanding paragraph 31 of article 335, the council may, by resolution, authorize the general manager to establish, fix and change cabstands, from time to time.

Stands for traders, etc. **337.** Notwithstanding any law to the contrary, the council may, by simple resolution, authorize the general manager to establish, designate, change or abolish, from time to time, stands or places to be occupied by the traders on the various public markets, with the exception of Bonsecours market.

Powers of council. **338.** In order to give full effect to articles 333, 334 and 335, and to extend and complete the same, so as to secure full autonomy for the city and to avoid any interpretation of such articles or their paragraphs which might be considered as a restriction of its powers, the city is authorized to adopt, repeal or amend and carry out all necessary by-laws concerning the proper administration of its affairs, peace, order and safety as well as all matters which may concern or affect public interest and the welfare of the citizens; provided always that such by-laws be not inconsistent with the laws of Canada or of this Province, nor contrary to any special provision of this charter.

Works may be done by day labor. **339.** The council may authorize the general manager to have municipal works performed by day labor instead of by contract.

Procedure re passing of by-laws. **340.** No by-law enacted in virtue of this charter shall be valid unless the same be read at a meeting of the council, nor unless a notice of motion for the adoption of such by-law shall have been deposited at least thirty days beforehand. As soon as a by-law has been adopted, public notice thereof shall be given in the newspapers, and such by-law shall come into force fifteen days after such publication.

Loan by-laws. **341.** Any by-law providing for a loan may include one or more objects for which the city is empowered by this charter to borrow, and it shall not be necessary to make a separate by-law for each object.

Custody of by-laws, etc. **342.** The city clerk shall have the custody of the by-laws of the city, and shall carefully preserve them in a register kept for that purpose, and he shall annually issue a report containing a synopsis of all the by-laws enacted, repealed or amended during the year, and also of all resolutions of the council having force of law.

343. A copy of any by-law duly enacted according to the terms of this section, shall be received as evidence in any court of justice in the province, provided that the same be signed and certified by the city clerk, and be sealed with the corporate seal of the city, without any proof being necessary of the validity of the corporate seal, or the signature of the said clerk; saving the rights of any party attacking the said by-law to proceed against the same by improbation.

344. Any ratepayer may, in his own name, by petition presented to the Superior Court, of which at least ten days' notice must be given to the city, between the service of the same and its presentation to the court, demand the annulment of any by-law on the ground of its illegality.

The right to demand the annulment of any by-law shall be prescribed by three months from the coming into force of the said by-law.

345. The by-laws of the council shall have full force and effect as public laws in the city, and as such shall be judicially observed and enforced by all judges and courts, whether specially pleaded or not.

346. The council may impose, by any by-law which may be enacted in accordance with the powers granted to it by this charter, for every infraction of such by-law, either a fine with or without costs, or imprisonment; and if by a fine with or without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs, according to the circumstances; but save where otherwise expressly provided in this charter, such fine shall not exceed forty dollars, and such imprisonment shall not be for a longer period than two calendar 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 said fine and costs.

347. If the infringement of any by-law continue, the offender shall be liable to the fine and penalty provided by such by-law for each day during which the infringement is continued.

348. The fines which the city may impose for each and every infringement of its by-laws may be for a maximum of two hundred dollars in the case of any by-law passed under paragraph 27, 42 or 43 of article 335 of this charter, instead of being for a maximum of forty dollars as provided by article 346.

Prescription of prosecutions.

349. No prosecution for the infringement of a municipal by-law may be instituted after the expiration of six months counting from the date on which such infringement was committed.

Formal objections.

350. No objection founded upon form, or upon omission of any formality, even imperative, may be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection or unless the formality omitted be such that its omission, according to the provisions of this charter, would render null the proceedings or other municipal acts requiring such formality.

Persons acquiescing not to take advantage of insufficiency thereof.

351. No person who has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, shall thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

Submission of certain questions to electors.

352. The council may, at any time, submit, by by-law or resolution, to the electors whose names are duly entered on the electoral lists in force, or to the real estate owners only on such lists, any matter or question affecting the interests of the city, upon which the council may deem it desirable to ascertain the opinion of the electors generally or of the real estate owners, as the case may be; but the council shall not pass any by-law or resolution based on the opinion, as ascertained, of the electors generally or of the real estate owners in particular, without complying in all respects with the provisions of this charter.

When a by-law or resolution is to be submitted to the electors of the owners of real estate, under this article, the procedure for such purpose shall be that indicated in the twelfth section of this charter, *mutatis mutandis*.

Revision of by-laws.

353. The city is authorized to make, from time to time, a revision or consolidation of the whole or any part of its municipal by-laws so as to unite them in one or more volumes, and, to that end, to repeal, amend or modify the same; but such repeal, amendments or modifications shall not be construed as affecting any matter or thing done or required to be done, or any resolutions, decisions, orders or other proceedings of the council, or any debentures, shares, bonds or notes issued or any rolls of assessment or apportionment, or the rights or duties of municipal officials, which shall continue to be regulated by the previous by-laws until expiry of the term fixed.

SECTION XII

PROCEDURE RESPECTING THE SUBMISSION OF BY-LAWS TO
REAL ESTATE OWNERS

354. Whenever, according to the provisions of this charter, a by-law requires the approval of the real estate owners of the city, the following proceedings shall be taken for ascertaining such approval. Proceedings to be followed.

355. The council shall, in and by such by-law, fix the day for taking the votes of the real estate owners whose names are entered upon the electors' lists in force, and such day shall not be before the expiration of thirty days after the adoption of the by-law by the council. Certain day to be fixed for voting.

356. The city clerk shall subdivide the city into as many polling-divisions as he may deem necessary, and each of such polling-divisions shall contain, as nearly as possible, the names of three hundred real estate owners, entitled to vote. Division of city into polling divisions.

357. The city clerk shall also make or cause to be made for each polling-division an extract from the electors' lists then in force, showing all the names of real estate owners inscribed in said electors' lists and entitled to vote in each of the said polling-divisions, and shall certify the correctness of the same by signature and the official seal of the city. Extract of electors' list for each division.

Such extract so certified by him as aforesaid shall constitute the electors' list for each polling-division for all purposes required in accordance with the provisions of this section. Certified extract to be list for each polling division.

358. Each real estate owner shall have only one vote, and no one shall be entitled to vote whose name is not entered upon such extracts. Right to vote.

359. The city clerk shall also cause to be printed, at the expense of the city, a sufficient quantity of ballot-papers for the use of the voters, and such ballot-papers shall be printed according to the form indicated by form No. 23 or such other form as the council may adopt. Ballot-papers to be printed.

360. The city clerk shall, at least one week before the day fixed for the polling, publish or cause to be published, over his signature, a notice which shall state: Notice of voting on by-law.

- a. the nature of the by-laws to be submitted to the real estate owners or to the electors generally, as the case

may be, according to a summary or abstract approved by the council;

b. the day and hours of polling.

Sending
of cards
to voters.

The city clerk shall, moreover, send to each voter a card or letter, indicating the place where he is to vote. Such cards or letters shall be sent to the address mentioned on the voters' list or to any other place where, in the opinion of the returning-officer, the elector is most likely to be reached; but any error or omission committed by the city clerk or his representatives in connection with the transmission of such notices cannot in any wise invalidate the proceedings nor give rise to any recourse whatsoever either against the city or against the city clerk or his representatives.

Appoint-
ment of
deputy-
returning-
officers.

361. The city clerk shall appoint, at least two days before the date fixed for polling, a deputy-returning-officer for each of the said polling-divisions, and shall furnish each of said deputy-returning-officers with a certified extract from the voters' list, showing the real estate owners entitled to vote within the limits of the polling-division of which such deputy-returning-officer shall have charge, in accordance with article 357, and give him such instructions as may be necessary.

Agents to
represent
citizens
in favor of
by-law, etc.

362. He may, by a commission signed by him, appoint one or two persons who may be present in each polling place on behalf of those citizens who are interested in and desirous of promoting the passing of the by-law, and a like number of persons on behalf of those interested in and desirous of opposing the passing of the by-law.

Declaration
required
before
appoint-
ment.

363. Before any person is so appointed, he shall make and subscribe before the deputy-returning-officer a declaration in the form No. 24, that he is interested in and desirous of promoting or opposing, as the case may be, the passing of the by-law.

Who may
remain
in poll
during
voting.

364. During the time appointed for polling, no person shall be entitled or permitted to remain in any polling-place other than the officers, clerks and persons or real estate owners authorized to attend, as aforesaid, at such polling-places.

Poll to be
held on
fixed day.

365. On the day fixed, as aforesaid, a poll shall be held and the votes of real estate owners entitled to vote shall be taken by ballot. Each poll shall be open from nine o'clock in the forenoon till eight o'clock in the afternoon.

366. The proceedings at each poll shall be the same, as nearly as may be, as at elections held under the Quebec Election Act; and all the provisions of said act, so far as the same are applicable, and except when inconsistent with the provisions of this section, shall apply to the taking of votes at such poll and to all matters incidental thereto and to the returns to be made by the deputy-returning-officers.

Proceedings to be same as those for provincial elections.

367. Any real estate owner may be required by the deputy-returning-officer, or by any person authorized to act as agent under article 362, to take the following oath or affirmation before voting, and before being allowed to vote must answer, under oath or affirmation, in the affirmative, the questions numbered 1, 2 and 3, and in the negative, the questions Nos. 4 and 5:

Oath that voters may be required to take.

"You swear or affirm (as the case may be):

1. That you are of the full age of twenty-one years and a British subject;
2. That you are, according to law, entitled to vote on the by-law now submitted;
3. That you are the person named, or purporting to be named, in the extract from the electors' list now shown to you;
4. That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, cab-hire, or any other services connected therewith, and that you have not, directly or indirectly, promised anything to any person, either to induce him to vote or to abstain from voting;
5. That you have not already voted on this by-law in any other polling-division."

No inquiry shall be made of any voter except with respect to the facts specified in such oath or affirmation.

368. The city clerk, after he has received the ballot-boxes and statements from the deputy-returning-officers, shall, within three days thereafter, give public notice of the time and place when he will proceed to sum up, from such statements, the number of votes for and against the by-law; and the time so fixed shall not be later than one week from the date of polling; and he shall then and there declare the results in accordance with the statements so received by him from the deputy-returning-officers, and shall forthwith certify to the council, under his own hand and the seal of the city, whether the majority of those who have voted upon the by-law have approved or disapproved of the same,

Notice to be given by city clerk, after he has received ballot-boxes.

Certificate thereto and contents thereof.

and the number of votes cast for and against the said by-law.

Appoint-
ment by
city-clerk
of persons
to attend
at summing
up:

369. The city clerk shall, on or before the day fixed for the final summing up of the votes, appoint in writing, signed by him, four persons to attend at the final summing up of the votes, two of whom shall be interested in and desirous of promoting the passing of the by-law, and two of whom shall be interested in and desirous of opposing the passing of the said by-law.

Recount
before
judge in
certain
cases.

370. In case it may be made to appear, within four days after that on which the city clerk has made the final summing up of the votes, upon petition of a real estate owner, supported by the affidavit of any credible witness,—which petition must be duly signified upon the said city clerk—to a judge of the Superior Court in the district of Montreal, that a recount may change the result of the voting as announced by the city clerk, and in case the petitioner deposits, within the same period of four days, with the prothonotary of the court, the sum of one hundred dollars as security in respect of the recount for the costs of the attorney whom the city clerk may appoint to appear in answer to the said petition, the said judge shall appoint a time and place, within four days after the receipt of the said petition by him, to recount the votes and to make the final summing up thereof.

Application
of certain
articles
to such
recount, etc.

371. Articles 215 to 230 inclusive, shall apply, in so far as the same are applicable, to any recount had in respect of the voting provided for by this section and all proceedings connected with any petition for such recount; but the notice in writing mentioned in article 215 shall be served upon the city clerk, and it shall be lawful for the judge, before whom such petition is presented, to give such interpretation to the said articles and to make such other rules and orders in respect to the said petition for recount, as to law and justice shall appertain.

Communi-
cation of
judgment
to council.

372. The city clerk shall communicate to the city council, without delay, a copy of the judgment pronounced by the court or judge upon any petition for a recount and the result of such recount.

Proviso
in case of
equality
of votes.

373. In the event of an equal number of votes being cast for and against any by-law submitted to the real estate owners under the provisions of this section, the said by-law shall be deemed to have been defeated.

374. Whenever any by-law or any question is submitted to the electors generally, the procedure prescribed by this section shall followed *mutatis mutandis*. Procedure in reference to elections.

375. No informality, omission or error in any proceeding had under this section shall invalidate such proceeding, unless in the opinion of the court such informality, omission or error has been of such a nature as would affect the result of the vote taken. Informalities, etc., not to invalidate proceedings.

SECTION XIII

FINANCES

376. The civic fiscal year shall begin on the first day of January, and terminate on the last day of December of each year, but the annual taxes and assessments, including the school tax and the water rate, shall be deemed to be imposed and levied for the year beginning on the first day of May of each year and terminating on the same date of the following year. Fiscal year.

Nevertheless, the council may, by by-law, fix or change the date upon which any taxes are to become due. Date when taxes become due.

377. Every year the council may dispose of such capital amounts as the city has at its disposal within the limits of its legal borrowing power, but only for the purposes mentioned and set forth in article 398 and following; provided always that no expenditure of such capital amounts shall be voted or made until and unless the details and approximate cost of each of the works or objects for which such special expenditure is contemplated, are submitted to the council and approved by the absolute majority of all its members, on a report of the general manager. Disposal of certain moneys, etc. Proviso.

378. In the month of December of each year the council shall appropriate the sums at its disposal out of the revenues of the city for the needs of the various civic departments for the ensuing fiscal year. Appropriation of sums for civic departments.

In so doing the council shall maintain the equilibrium between the revenues and expenses, and provide for:

- a. the cost of collection of the civic revenue;
- b. the interest upon the civic debt and any sinking fund which may be established;
- c. the school tax;
- d. a reserve of three per cent for unforeseen expenses, such as those relating to judgments, official receptions, epidemics, inundations, fortuitous events and damages caused by irresistible force;

- e. other established charges upon the civic revenue, including any deficit from any previous year;
- f. repairs, maintenance, salaries and expenses for general administration;
- g. possible loss in the collection of taxes.

Further application of reserve fund.

379. The reserve fund may also be employed to pay claims for damages arising from offences or quasi-offences.

Costs chargeable against reserve fund.

380. The city may charge against the reserve fund the costs of representations and of delegations authorized by the council, as well as the sums required for the settlement of claims and for the removal of snow and ice from the sidewalks.

Grant to Montreal Technical School.

381. The city shall, in future, contribute annually a sum of fifty thousand dollars for the establishment and maintenance of the Montreal Technical School, and it is authorized to take such amount out of the reserve fund or any other fund available.

Contribution to other technical schools.

The city may also pay, out of the reserve fund, for the establishment and maintenance of all other technical schools in the city of Montreal, such annual amounts as its council may determine by the vote of the majority of all its members.

Limitation of estimates and how made.

382. 1. The amount voted on the yearly estimates must never exceed the probable amount of revenue for the ensuing year. This probable revenue shall be estimated as follows:

How amount of the revenue estimated.

a. By taking the amount of the real estate tax, of the water rates and of the business tax for the current year, taking into account the probable increase or decrease that may result from the increase or decrease in the rate of such taxes, provided that such taxes so increased or decreased be established before or at the time that the estimates are adopted;

Id.

b. By adding to the amount of the said rolls the probable amount to be collected during the following year from all persons, companies or corporations, either under the by-laws, or under contracts or other deeds;

Id.

c. By adding to the above sums an amount corresponding to any other revenue collected during the current year to the 31st of October inclusive, as well as the probable amount to be collected during the following months of November and December.

Varying

No amount appropriated may be varied or applied

to any other purpose, unless such change in the appropriation is approved by the vote of an absolute majority of all the members of the council, on the recommendation of the general manager.

2. In cases of urgent necessity, such as epidemics, inundations, damages caused by irresistible force, or judgments, the council may, by by-law, make any appropriation it may think necessary beyond the amount at its disposal; provided that, by such by-law, an additional assessment shall be imposed upon immoveable property, payable during the course of the year in which such by-law is passed, sufficient to cover the amount so appropriated; such assessment shall be imposed, recovered and collected in the same manner as the ordinary assessments on immoveable property, imposed and levied in virtue of this charter.

383. It shall be the duty of the city comptroller to submit to the council at its first regular meeting in the month of April, each year, an estimate of the surplus resulting from the previous fiscal years, after all the appropriations voted and the obligations connected therewith shall have been provided for. Such estimate shall also mention the probable collection of such surplus before the expiration of the then current fiscal year.

The council, after the first day of May, may vote as supplementary appropriations for administration purposes, permanent works or other purposes provided for by this charter, the sum established according to the preceding paragraph.

384. The funds voted and not expended during the civic year shall remain available during the following year for the carrying out of the works already decided upon, undertaken, ordered or commenced, and for which such funds were voted.

385. No resolution of the council, or report of the general manager, authorizing or recommending the expenditure of any moneys, shall be adopted or have any effect, until a certificate of the comptroller is produced establishing that there are funds at the disposal of the city for the service and purposes for which such expenditure is proposed.

It shall, nevertheless, be lawful for the council, on a report from the general manager, to make contracts or agreements for the purchase of various supplies for the needs or use of the different civic departments during a subsequent fiscal year, and, in such case, the amount of said contracts or agreements shall be charged in anticipation against the appropriations of such fiscal year.

Contracts
by the city.

386. The city has also power to make, in connection with any other matter within its jurisdiction, contracts or agreements extending over a period of more than one year and entailing an expenditure which is to be charged against revenue, provided that such contracts or agreements be authorized by the council on the recommendation of the general manager. The annual expenses which such contracts or agreements may entail shall be included, each year, in the annual budget and in the supplementary budget, if required.

Approval
of council
required to
agreements.

387. No contract or agreement whatever shall be binding upon the city, unless it has been approved by the council or the general manager.

City not
liable unless
certain
formalities
have been
complied
with.

The city shall not be liable for the price or value of work done, materials supplied, goods or effects furnished, of any kind whatever, nor for any fees for professional services, salary, wages, or other remuneration, without the special authorization of the city council or of the general manager, nor unless, in every case, a certificate of the comptroller be produced establishing that there are funds available and appropriated for the particular object for which payment is sought; and no right of action shall exist against the city, unless the foregoing formalities are strictly observed, notwithstanding that the city may have benefitted by any such contract, agreement, work done, materials supplied or other services rendered.

Conse-
quences of
illegally
authorizing
expendi-
ture.

388. The mayor, the general manager, or any councillor, who authorizes, either verbally or in writing, by his vote or tacitly, any expenditure of money exceeding the amount previously voted and legally placed at the disposal of the council or of the general manager, may, at the discretion of the court, according to the gravity of the irregularity or illegality, be either held personally liable therefor or be declared disqualified to sit or act in any one of the above capacities, or be declared incapable of being re-elected or re-appointed to any of such offices for a period of two years from the commission of the irregularity or illegality, or be condemned to all such penalties, or even be declared not liable thereto.

Proviso.

And, in any case, the liabilities and disqualifications enacted by this article shall not exist if the general manager has authorized, ratified or confirmed such expenditure of money as valid and legal, and if his report to that effect, submitted to council, has been approved by the latter.

Indemnities,

389. Notwithstanding any provision to the contrary,

the council may, by the vote of a majority of all its members, on the previous recommendation of the general manager, grant indemnities, annuities or gratuities to employees of the municipal service who have become unable to efficiently fulfil their duties; make gifts or exchanges of vacant lands or lands built upon for educational, charitable, philanthropic or other purposes whatsoever which the council may deem as being of general or public interest; vote sums of money for the relief of the victims of conflagrations, floods or disasters in the city or elsewhere, for unforeseen hygienic, charitable or public interest purposes, for artistic purposes or for works designed to promote the physical, intellectual and moral development of the population, for the purpose of aiding, maintaining and developing universities, public or civic libraries or public or charitable institutions, or for the purpose of erecting monuments or of contributing to the erection thereof.

390. Any person receiving a pension from the city shall forfeit forever all right to such pension, if he directly or indirectly becomes a party to or security for any contract or agreement with the city for doing any work or supplying any goods, or has a direct or indirect interest in such contract or agreement, or derives any profit or advantage therefrom, or acts as arbitrator, commissioner, expert, or expert witness in any expropriation case in which the city is interested, or acts as advocate in any such expropriation case or any judicial process in which the city is an interested party, or is a member of any firm who act as counsel or one of whose members acts as counsel as aforesaid.

391. The city treasurer shall prepare and publish every year, before the 1st of April in each year, a report showing:

- a. the balance of moneys on hand and in banks at the beginning of the year; the receipts from each department, and the proceeds of every loan, whether temporary or permanent;
- b. the disbursements made by each department, as well as the repayment of all loans, whether temporary or permanent.

The city treasurer shall be personally responsible for every sum of money which he may pay, knowing that such payment exceeds the amount voted by the council for the purpose.

392. In the event of the annexation of any adjacent territory during the course of the fiscal year, the annual

etc., to
certain
employees,
etc.

Persons
receiving
a pension
from the
city.

Annual
return
by city
treasurer
and what
to contain.

Responsi-
bility for
certain
payments.

Proviso
in case of
annexation

of territory
during
fiscal year.

revenue to be derived therefrom shall be estimated by the treasurer and the comptroller, and the amount thereof may be added, less ten per cent, to the amount available for expenditure under article 378.

When
by-law
diminishing
civic
revenue,
to take
effect.

393. After the proposed expenditures in virtue of articles 378 and 382 have been authorized in accordance with this charter, no by-law or resolution which has for its object, purpose or result the diminution of the civic revenue, shall be valid or operative during the year for which such expenditure has been authorized.

Treasurer
alone to
receive
fees, etc.

394. All fees, licenses, fines, revenues, taxes and assessments of any nature whatsoever, accruing or belonging to the city, shall be paid to and received by the treasurer alone, or the officials designated by him for that purpose; and no other officials shall be entitled, under any pretext whatever, to receive any such fees, taxes, revenues or assessments, unless specially authorized by the council so to do.

SECTION XIV

BORROWING POWER

Present
borrowing
powers
continued
and former
provisions
to govern.

395. Notwithstanding anything in this charter, the city of Montreal shall continue to have all the special borrowing powers it possessed at the date of the coming into force hereof; and all provisions regulating or affecting such borrowing powers shall continue to have full force and effect.

Limit of
borrowing
power.

396. The general borrowing power of the city is limited to fifteen per cent of the value of the taxable immoveable property in the city, as established by the last valuation and assessment roll in force, up to a taxable value of three hundred and nineteen million, five hundred and fifty thousand dollars.

Above such taxable value, the percentage of general borrowing power shall be twelve per cent.

Every loan made under the authority of the next preceding paragraph of this article shall provide for a sinking-fund sufficient to redeem the capital at the expiration of the term of such loan.

In calculating such percentages, however, any loan which by the terms of this charter, or of any other act, is declared to be not included in or to form no part of the funded or consolidated debt of the city, or not to otherwise

affect the general borrowing powers of the city, shall not be taken into account.

With the exception of loans for which by-laws have already been adopted by the council, there shall not be effected or negotiated in future any original loan under this article, without the approval of the majority in number and value of the real estate owners to be expressed through a referendum held in conformity with articles 354 and following of this charter. Nevertheless, for urgent requirements, recognized as such by the council, the city may effect or negotiate by by-law, and without the formality of a referendum, loans for amounts not exceeding in any one year two hundred and fifty thousand dollars, provided always that such loans be included within the then limit of the borrowing power of the city as defined in this article. Proviso.

397. Loans already made, as well as loans not yet made but authorized by by-law, and all loans hereafter duly authorized, within the scope of the powers granted to the city by article 396 of this charter, shall not be invalidated for the reason that at any time after the authorization thereof the municipal valuation of the taxable property in the city is diminished to such an extent that the total amount of said loans exceeds the limits fixed by the said article. Diminution of valuation of property not to invalidate loans.

398. The moneys borrowed under the foregoing articles may not be used for any other purpose than continuing the execution of certain public works, such as: the extension of water-works and water services; the extension of public parks and of the sewerage system and laying of permanent (not wooden) sidewalks in accordance with the provisions of this charter; the construction and enlargement of municipal buildings such as markets, fire and police stations, the city hall, public baths and lavatories, hospitals and other municipal structures or buildings; permanent pavements; the opening and widening of streets; the purchase and extension of parks and squares; and the works or improvements rendered necessary thereby. How certain moneys to be used, etc.

The moneys borrowed under article 396 may also be employed in making the greater repairs to municipal structures or buildings.

The moneys borrowed under article 396 may likewise be used for the payment of the debts of municipalities or parts of municipalities which have been or may hereafter be annexed to the city.

399. The moneys borrowed under article 396 may also be applied to the first furnishing of public buildings, to Idem.

the first levelling of streets and highways, to the first purchase of horses, motor cars and apparatus for new fire stations, and to the purchase of materials, machinery and plant required for the carrying out of permanent municipal works, and to the payment of the cost of establishing a complete and modern signal system for the requirements of the police and fire departments.

The city is further authorized to take out of such funds and hand over to the Metropolitan Parks Commission the sums required in order to enable the said Commission to make a general plan of streets, parks, squares, driveways, boulevards, and play-grounds it may deem advisable to recommend on the island of Montreal.

Damages
paid
included
in cost
of works.

400. The cost of municipal works shall include the damages of any kind whatsoever that the city is called upon to pay in connection with such works; and the amount of such damages may be charged against the loans authorized for the performance of the said works.

Maturity
of loans.

401. The city is authorized to conclude, in advance, arrangements for the renewal of its loans or to make new loans for the purpose of redeeming maturing loans, provided the arrangements be not concluded more than six months before such maturity and be effective only upon the date of such maturities.

Payment to
Metro-
politan
Parks
Commission
authorized,
etc.

402. The city is authorized to pay to the Metropolitan Parks Commission, and to the Island of Montreal Metropolitan Commission, and to take the sums required for such purpose out of the loans authorized by article 396 of this charter, its share of the cost of the improvements which shall be made by the said commission pursuant to the general plan of streets, parks, squares, driveways, boulevards and play-grounds which it is authorized to make; provided that the other municipal corporations interested in the improvement effected also pay their share and refund at the same time to the city their share of the cost of that part of said general plan covering such improvement.

Proviso.

Issue of
certain
bonds, etc.

403. The loans under article 396 may be effected by means of an issue of bonds, debentures or inscribed stock, for a fixed term. Such bonds, debentures or inscribed stock may be issued in currency of the country where the loan is negotiated.

Temporary
loans.

It shall, nevertheless, be lawful for the city to negotiate such loans temporarily, in the name of the city, by means

of temporary bonds, treasury bills or other securities negotiable on the money markets, until the time is deemed favorable for the definitive issue provided for in the foregoing paragraph.

404. Every year, as soon as possible after the assessors have signed the assessment roll, it shall be the duty of the city comptroller to submit to the council and to the general manager a certificate showing the borrowing powers resulting from the increase in value of taxable property.

405. The sale by the city of vacant lots or those with buildings thereon, owned by it, shall be by public auction. Nevertheless, when an immoveable intended for sale has not in the opinion of the city a sufficiently great area to be used to advantage for a distinct and separate undertaking, the sale may be made by mutual agreement to the proprietor of the neighboring land, provided the price of sale shall not be less than that fixed by the chairman of the board of assessors on a special report made for that purpose.

The proceeds of the sale of such immoveables may be expended in doing the permanent works described in article 398.

406. The city may also borrow sums of money over and above the limit fixed by article 396, and, for that purpose, issue bonds, debentures or inscribed stock for special and specific purposes, but only by virtue and under the authority of a by-law, which shall be approved by the affirmative vote of at least the absolute majority of all the members of the council; and such by-law shall specify, under pain of nullity:

1. All the purposes, in detail, for which the loan is to be made;
2. The term for which it is made;
3. The rate of interest thereon;
4. The sinking-fund;
5. The place or places of issue, of registration, transfer, of payment of the interest, and of the redemption of the capital at maturity;
6. The form of security to be issued, whether bonds or debentures, or inscribed stock, and whether in sterling or in currency, or otherwise;
7. All other matters of detail connected with the said loan.

Such by-law must impose upon all the taxable immoveable property situated in the city, a special tax sufficient

Certificate
of comp-
troller re
borrowing
powers.

Sale of
land by
city by
public
auction.
Exception
in certain
cases.

Borrowing
of money,
etc.

Contents of
by-laws.

Tax on
immovea-
bles.

to meet the interest upon such loan and to create a sinking-fund which will suffice to pay the said loan at maturity.

Fixation
of same.

Such tax, the rate of which shall be fixed each year by resolution of the council, shall be assessed annually, according to the value of the immoveable property as shewn by the valuation roll during the term of the said loan, and shall appear upon the annual real estate tax roll.

Submission
of by-law
to electors.

No such by-law shall have any effect unless and until it is submitted for the approval of the owners of taxable immoveable property within the city limits, whose names are entered upon the electors' list then in force, which vote shall be taken by ballot, in accordance with the provisions of section twelfth of this charter; and if the majority in number and in value of the said owners of immoveable property who thus vote do not approve of such by-law, then the said by-law shall be null and of no effect.

Application
of proceeds
of such
loans.

407. The proceeds of such loans shall be used exclusively for the purpose indicated in the by-law, and shall for such purpose be set apart by the city treasurer, and shall in no case be available, even temporarily, for any other purpose whatever.

Aldermen
to forfeit
seat, etc.,
in certain
cases.

408. 1. Any councillor authorizing or approving the appropriation of any part of the loans above referred to, to any other purpose, shall *ipso facto* forfeit his right to sit in the council, and shall be ineligible as member of the council for a period of five years.

Idem for
general
manager
in certain
cases.

2. The same shall apply to the general manager of the city, who shall, in like case, be dismissed from office and shall be ineligible for reappointment thereto for a period of five years.

Temporary
loans in
anticipation
of revenue.

409. The city may, at any time, and from time to time, in anticipation of the collection of the annual revenue for the current civic year, as well as in anticipation of the collection of all arrears of taxes, dues and water rates, borrow temporarily the sums of which it is in need; provided that such loans shall be redeemed and discharged out of the said revenue and the said arrears of taxes, dues or water-rates, when collected.

Issue of
redemption
bonds.

410. Notwithstanding any provision to the contrary, the city may, from time to time, issue bonds, debentures or inscribed stock for the redemption of a portion or the whole of its perpetual seven per cent debentures.

Maturity
of such
bonds, etc.

The bonds, debentures or inscribed stock so issued shall be for a period not exceeding forty years, and shall form

part of the city's funded debt, the limit whereof shall for such purpose be extended proportionately.

411. The city is authorized to borrow, from time to time, the sums of money which it may require to provide, —

- a. for the current expenses in anticipation of the ordinary revenue; Authorization to borrow for: Current expenses;
 - b. for the purchase of merchandise, materials, supplies or other articles it may need during the ordinary course of the administration, provided that in such case the total amount of the loan shall not at any time exceed the sum of three hundred thousand dollars; Purchase of supplies, etc.;
 - c. for the purchase of machinery, plant or other apparatus it may need during the ordinary course of the municipal works; provided that, in such case, the total amount of the loan shall not at any time exceed three hundred thousand dollars; Purchase of machines, etc.;
- Provided that, in the case of paragraphs *b* and *c* of this article, a sum shall be voted every year, in the estimates, sufficient to pay for the merchandise, materials, supplies and other articles utilized during the course of the year, and to establish a sinking-fund for the purpose of offsetting the depreciation in such machinery, apparatus or plant; Proviso.
- d. for the share of proprietors in cases of expropriation, for the construction of sidewalks and sewers and for other permanent works, until the special assessments therefor shall have been collected. In anticipation of assessments;

The losses which may arise through the inability to collect the special assessments shall be made good from the revenue or from the general loan fund or other sums at the disposal of the city. How losses to be made good.

The loans provided for by this article may be effected by the issue of bonds, debentures or inscribed stock, signed by the mayor and the city treasurer; and the by-laws authorizing such loans shall bear a certificate from the city comptroller, indicating the object of the loans. Manner of effecting loans.

In the case of paragraphs *b* and *c* above mentioned, the loan may also be effected wholly or in part by means of treasury bonds, and such bonds shall be renewable at any time. Treasury bonds in certain cases.

Such loans shall not form part of the general borrowing power of the city in virtue of article 396, nor be subject to the requirements therein provided. Not part of general borrowing powers.

412. The city may issue new bonds, debentures or inscribed stock in accordance with the provisions of this section. Issue of new bonds, etc.

tion, for the purpose of repaying, from time to time, any loan outstanding at the time of the coming into force of this charter, or which may be hereafter contracted in accordance with the provisions thereof.

No loan made for the purpose of thus replacing any portion of the funded debt may be issued save by by-law approved by the majority of the members of the council, without reference to the real estate owners.

City may
buy in its
own
securities.

Loan
authorized
for such
purpose.

Additional
loan in
certain
case.

Sinking-
fund not
to be
affected.

Temporary
loans.

Securities
to be
continued
as repla-
cement.

How loans
to be made.

413. The city may, at any time and from time to time, purchase any portion of its unmatured and outstanding bonds, debentures or inscribed stock at prices less than the par value of the bonds, debentures or stock so purchased, and, for the purpose of obtaining in whole or in part the money necessary to effect any such purchase, the city may issue and sell bonds, debentures or inscribed stock bearing interest as provided in article 419 of this charter, and repayable at a date or dates not later than the date at which the securities so purchased mature.

If any securities be so issued to mature at a date earlier than the date of the securities purchased, the city may issue new securities for the purpose of providing for the payment thereof from time to time, at a rate of interest not exceeding five per cent per annum, provided that the final date of maturity of any securities so issued shall not be later than that of those purchased.

Notwithstanding any such purchase or conversion of any portion of outstanding securities, and notwithstanding any other provision of this charter, the existing obligation of the city to provide a sinking-fund for any part of its debt shall remain as if the said purchase or conversion had not taken place; and any part of the sinking-fund already accumulated and to be provided in future pertaining to the securities purchased or converted shall be applied to the redemption, at their final maturity, of securities issued for the purchase or conversion of present outstanding securities.

The city may make temporary loans at such rate of interest as may be agreed upon for the purpose of acquiring any such outstanding securities, which loans with interest shall be repaid out of the proceeds of the securities issued in virtue of this article.

Any securities issued in virtue of this article shall be treated and considered as issued in replacement of the securities purchased by the proceeds thereof, and as forming part of the loan or civic indebtedness in respect of which such purchased securities were issued.

Any securities issued or temporary loans made in virtue of this article may be so made at any time by mere resolu-

tion of the city council at any regular or special meeting thereof, upon a report made by the general manager, and without the approval of the real estate owners.

The purchasers of any of the securities issued in virtue of this article shall not be bound to see to the application of any moneys obtained by the sale thereof, or to the ob-servance of any of the requirements of this article, other than the authorization thereof by the council upon the report of the general manager.

414. When the city purchases its own bonds or debentures, with coupons, for the purpose of investing the same in its sinking-fund, it may, by by-law, cancel such bonds or debentures and replace them by the issue of a single bond or debenture, without coupons, registered in the name of the city treasurer in trust for the sinking-fund.

415. The city comptroller is empowered, with the consent of the city, to destroy in the presence of the city treasurer and city clerk, the bonds or debentures redeemed by it, provided minutes of the whole proceedings be recorded by a notarial deed, signed by the said officers, such minutes to contain the description of the said bonds or debentures.

416. The city may charge against the proceeds of the loans issued under article 396 of this charter, the cost of the construction of boats for the St. Helen's Island ferry service, as well as the cost of erecting wharves and landings for such ferry service.

417. Any temporary loan may be for a specified term, which must not exceed five years, and may be renewed, in whole or in part, from time to time, for a further period not exceeding five years, until the time be deemed favorable for the issue of a long term loan.

418. When the city is authorized to make any loan, it may issue bonds, debentures or inscribed stock for such amount, and dispose of the same at the best price it can obtain therefor.

419. Notwithstanding any law to the contrary, the city may in future fix and pay the rate of interest it may deem expedient for any loan or renewal of a loan it is authorized to effect. This provision shall also apply to loans already authorized by the city by-laws and not yet negotiated.

Temporary
loans.

420. The city may, for any loan which it is authorized by law to make, effect temporary loans by means of treasury bills or other negotiable securities, until such time as may be deemed favorable for the issue of a long term loan.

Loans
by notes.

421. The city may also issue notes for any loan it is authorized to make, and may determine, by resolution or by-law, the mode of their payment.

Special
loan for
Bonsecours
market.

422. The city is authorized to procure by special loan a sum sufficient to build halls or suitable shelters for market purposes at Bonsecours Market or in any central place in the city.

By whom
bonds, etc.,
are to be
signed.

423. All treasury bonds, temporary bonds, notes and other negotiable securities issued for temporary loans, as well as the bonds, debentures, or obligations issued for long term loans, shall be signed by the mayor and city treasurer, and countersigned by the city comptroller.

Loans for
replacing
long term
loans.

424. Every loan for the purpose of replacing or renewing a long term loan, shall be issued subject to and shall be redeemed by means of a sinking-fund sufficient for the repayment of the principal at the expiration of the term of such new loan.

Rate of
special
tax, *re*
sinking-
fund for
special
loan; how
fixed.

425. The rate of the special tax imposed under the authority of the acts 6 George V, chapter 44, section 24, and 7 George V, chapter 60, section 25, for the payment of the interest on and the redemption of the sinking-fund of the special loans authorized thereby, shall be fixed every year by resolution of the council, and shall be apportioned annually according to the value of the immoveables as shown on the valuation roll during the period of the said loan, and shall be added to the yearly assessment roll of immoveables.

Power to
issue
temporary
bonds to
redeem
consolidated
debt as it
matures.

426. The city may also issue temporary bonds, signed by the mayor and city treasurer, for the purpose of redeeming the consolidated debt as it matures, until regular issues of redemption stock or bonds may be decided on by the council, under the provisions of this section,—provided such temporary bonds bear the certificate of the city comptroller that they represent retired bonds or stock, and embodying the details thereof, and that they be paid off by the proceeds of the next regular issue.

Power

427. The city may also issue temporary bonds for the

proprietors' share of the cost of street improvements as may be decided upon in conformity with this charter, until such time as the special assessments levied therefor shall have been collected; and it shall be lawful for the city to continue or extend such bonds, by renewal from time to time, until the said collections shall have been fully realized.

to issue temporary bonds for proprietors' share of cost of street improvements.

Such bonds shall be signed by the mayor and city treasurer, and bear a certificate from the city comptroller showing the object for which they are issued.

How to be signed, etc.

The funds collected to repay such loans shall be deposited to the credit of a special fund, and devoted solely to the payment of the temporary bonds so issued.

Deposit of funds,

The special power conferred by this article shall be used only in cases where extraordinary or exceptional demands for street improvements or other permanent works have exhausted the funds available under article 411.

When power to be used.

428. If it happen at any time that the moneys in the hands of the city treasurer, applicable to the payment of the interest or of the principal of any of the loans heretofore authorized and made, or of any interest due upon any stock, inscribed stock, bonds or debentures issued under this charter, is not sufficient to pay such interest or principal, it shall be the duty of the treasurer to calculate the rate upon the assessed value of the immovable property liable to assessment in the city, which will, in his opinion (after making fair allowance for expenses, losses and deficiencies in the collection of such rate), be required to produce a sum sufficient, together with the moneys in hand applicable to the purpose, to pay such interest or principal, or both, and to certify such rate under his hand to the city clerk, for the information of the council.

Certificate of Treasurer when money in hand insufficient to pay interest on capital of loans.

Such certificate shall have the effect of a by-law of the council lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all officials of the city and by all others; and the said rate shall be forthwith levied and collected accordingly, in addition to any other rates lawfully imposed by any by-law of the council.

Effect of certificate.

429. The city treasurer may be authorized by the Council, on a report from the general manager, to make use temporarily of any funds which may be in the treasury, at any time, for any lawful purpose, in the course of the administration of the affairs of the city.

Temporary use of funds.

430. All the provisions of this charter respecting the privileges, prescriptions, procedures and remedies applicable

Certain provisions applicable.

to ordinary assessments shall apply to the rate provided for by article 428.

Execution may be levied by rate.

431. On the issuing of any writ of execution, commanding the sheriff to levy any sum of money due by the city for the interest or principal of any loan heretofore made by the city, or for the interest on any stock, inscribed stock, bond or debenture issued under the provisions of this charter or of any previous act, the plaintiff may require, and the court may order, that such execution be levied by rate; and, if such order be made, the sheriff shall cause a copy of such writ to be served upon the city treasurer.

Copy of writ to be served on Treasurer.

Duty of sheriff if money be not paid in time.

If the money therein mentioned, with all the lawful interest and costs, which the sheriff is commanded to levy, be not paid within one month from the time of such service, the sheriff shall himself calculate, as nearly as may be, what rate upon the assessed value of the immoveable property liable to assessment in the city, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such rate, be required to produce a net amount equal to the sum, interest and costs he is commanded to levy.

Sheriff to certify rate to city clerk.

He shall certify such rate under his hand to the city clerk for the information of the council, in the manner and form, *mutatis mutandis*, prescribed for the certificate of the treasurer in the preceding articles; and thereupon such certificate shall have the same effect, in all respects, as the certificate of the treasurer hereinbefore provided for.

Provisions applicable.

All the provisions of this charter respecting the levy and collection of a rate under the certificate of the treasurer, shall also apply to the levy and collection of a rate under the certificate of the sheriff.

Article to apply to principal of loans.

This article shall also apply to the principal of temporary or other loans authorized and effected by the city since the coming into force of the act 62 Victoria chapter 58, and shall also apply to the principal of the loans which the city may hereafter effect.

Duty of city officials, etc., as regards rate.

432. It shall be the duty of the treasurer, assessors and other officers of the city, to produce to the sheriff, on his demand, all assessment rolls, papers and documents requisite for enabling him to fix the rate hereinbefore mentioned, and to give him any information or assistance which he may require for the purposes thereof; such officers shall, for all the purposes of this article and of article 431, be deemed officers of the court out of which the writ issued, and amenable to and punishable by such court, in case of any failure to perform any of the duties assigned to them respectively by this article.

433. The proceeds of the said rate shall, by the treasurer, be paid over to the sheriff, who shall apply the same to the satisfaction of the debt, interest and costs he was commanded to levy, and, if there be a surplus, it shall be paid back to the treasurer and applied to the general purposes of the city.

SECTION XV

ASSESSMENT AND TAXATION

434. 1. All immovable property situate within the limits of the city shall be liable to taxation and assessment, except such as may be hereinafter declared exempt therefrom.

Proceeds of rate to be paid over to sheriff.
All property taxable unless declared exempt.

2. Immoveable property shall comprise lands, buildings erected thereon and everything so fixed or attached to any building or land as to form part thereof, but shall not include machinery, tools and shafting used for industrial purposes, except such as are employed for the purpose of producing or receiving motive power.

Immoveable property, what to comprise.

3. Immoveable property shall also comprise all pipes, poles, wires, rails, tunnels, conduits, and other constructions and apparatus of every nature used to produce or distribute for public use, motive power, light, heat, water or electricity, or for traction purposes, constructed or placed on, over or under property, streets, highways or elsewhere within the limits of the city, or for conveying or receiving telegraph, telephone or pneumatic messages.

Certain other things comprised.

4. The various things declared to be immovable within the meaning of this article, owned by the companies or persons supplying power, light, heat, water or electricity, or for traction purposes, or for conveying or receiving telegraph, telephone or pneumatic messages, shall be inscribed on the roll once and assessed all together for such company or person, but according to the value of such things in the various parts of the city in which they are situated.

In what ward to be assessed.

5. The things mentioned in the foregoing paragraphs 2, 3 and 4 may be taxed in the name of the tenant of the buildings and lands, when he is the owner of such things,

When taxable in name of tenant.

6. The city may make by-laws to impose and levy on taxable immovable property in the city an assessment not to exceed one and one-half per cent of the assessed value of such property according to the valuation roll. Such assessment shall be a charge upon the immovable property, and the owners thereof shall be personally liable therefor.

Assessment of immovables.

General
tax in the
territory
of the
former city
of Maison-
neuve.

Nevertheless, in the territory of the former city of Maisonneuve, the said real estate assessment or general tax shall be two per cent of the value of the taxable property in such territory for a period of fifteen years from the 9th of February, 1918.

Exemption
in certain
case.

435. A building in course of construction, begun since the putting into force of the preceding valuation roll, and which is not ready to be occupied, shall be neither valued nor taxed.

Exemptions:

436. The following immoveable property is exempt from the ordinary and annual assessments:

Churches,
etc.;

a. every building or part of a building used for the purpose of religious worship, including the land on which it is built, *fabriques*, bishops' palaces, and parsonages when occupied as residences by the priest or the minister in charge of any church in the city, provided that but one parsonage for each church shall have the benefit of the exemption; and when there is no parsonage occupied by a priest or minister in charge of a church, the residence of the priest or minister in charge of any church in the city, provided that, if such residence be valued at more than fifteen thousand dollars, it shall be exempt from the assessment on real estate imposed on an assessed value of fifteen thousand dollars only, but only one residence for each church shall have the benefit of such exemption;

Proviso.

Educational
establish-
ments, etc.;

b. the lands and buildings recognized as educational establishments by the Council of Public Instruction, or subsidized by the Catholic or Protestant school commissioners of the city;

Hospitals,
etc.;

c. lands and buildings actually occupied and used as public hospitals or asylums;

Libraries,
etc.;

d. lands and buildings exclusively occupied and used as public libraries, reading-rooms, art galleries, or museums, provided the same are opened gratuitously to the public and not kept for lottery purposes;

Scientific
teaching
establish-
ments, etc.

e. the lands and buildings owned and exclusively occupied as establishments of higher education or scientific teaching, duly incorporated or recognized by the Government.

Exemption
not to
apply to
certain
assessments.

The above exemption shall not apply to special taxes or assessments, nor to the water-rate or the price of water; it shall not apply either to the said lands or buildings, or portions thereof, occupied or used for industries or works, the profit whereof is not entirely applied to the support of said institutions; and the assessors shall make, in such

case, a special and separate estimation of the value of such lands and buildings, or portions thereof.

437. The exemptions enacted by article 436 shall not apply either to persons occupying for commercial or industrial purposes buildings or lands belonging to His Majesty or to the Federal or Provincial Governments, or to the board of Harbor Commissioners, who shall be taxed as if they were the actual owners of such immovables, and shall be held to pay the annual and special assessments, the taxes and other municipal dues. Exemption under art. 436, limited.

438. The board of assessors shall submit to the council a list of those who, previous to the coming into force of this charter, have been recognized by such board as being entitled to exemptions from taxation, and said board of assessors shall not acknowledge any further exemptions without the approval of the majority of the whole council. Exemption.

439. The city may also impose and levy, by by-law, a tax to be called the "business tax," on all trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, occupations, arts, professions or means of profit or livelihood, carried on or exercised by any person or persons, in the city; provided that such business tax does not exceed eight and one-half per cent of the annual value of the premises in which such trades, manufactures, financial and commercial institutions, occupations, arts, professions or means of profit or livelihood are respectively exercised or carried on; and all persons, companies and corporations engaged in or carrying on such trades, manufactures, financial or commercial institutions, occupations, arts, professions, or means of profit or livelihood, shall be directly responsible for the payment of such tax. Imposition of business tax by by-law.

The amount of such business tax in the case of all keepers of clubs, inns, hotels, saloons or restaurants wherein wine, beer or spirituous liquors are sold shall be the following: Amount of business-tax for clubs, etc.
When the annual assessed value of the premises occupied for the above purpose

| | | |
|------------------|-----------|--------|
| shall not exceed | \$ 160.00 | 27.00 |
| From \$ 160 to | 240.00 | 36.00 |
| " 240 to | 320.00 | 45.00 |
| " 320 to | 400.00 | 56.25 |
| " 400 to | 500.00 | 67.50 |
| " 500 to | 600.00 | 78.75 |
| " 600 to | 700.00 | 90.00 |
| " 700 to | 800.00 | 101.25 |
| " 800 to | 1,000.00 | 112.50 |

| | |
|--------------------------------|--------|
| From \$ 1,000 to 1,200.00..... | 123.75 |
| " 1,200 to 1,600.00..... | 135.00 |
| " 1,600 to 2,000.00..... | 157.00 |
| " 2,000 to 2,400.00..... | 175.00 |

with an increase of seventeen dollars and fifty cents for each four hundred dollars or fraction of the same above two thousand four hundred dollars.

56 V., c. 13,
s. 30 not
affected.

Nothing in this clause contained shall affect the act 56 Victoria, chapter 13, section 30, as amended by the act 55-56 Victoria, chapter 11, section 26.

Special
tax upon
depart-
mental
stores.

An additional special tax, not exceeding five per cent of the yearly value, according to the valuation of the entire premises in which departmental stores are established and carried on, may also be imposed and levied by by-law on such persons, companies or corporations, for each and every separate branch of trade or business established or carried on in such departmental stores.

The council may by by-law classify and define the various kinds of trade and business carried on in such departmental stores for the imposing of such tax.

No business
tax for
occupying
temporarily
part of
wharves.

This article shall never be interpreted as giving or having given to the city the power to compel persons, companies or corporations to pay a business tax for occupying, as lessees from the Harbour Commissioners, part of the wharves or warehouses thereon erected, for depositing thereon temporarily their merchandise shipped to or from Montreal.

Special
tax on non-
residents
earning
salary in
the city.

440. 1. The city is authorized to levy by by-law a special tax on every person residing outside the city limits but who earns or receives in the city wages, a salary, or a commission exceeding twelve hundred dollars per annum, whether his engagement be by the day, week, month or year or for a longer period, and who pays no municipal tax to the city, and to compel every person, company or corporation to give the city assessors all the necessary information for imposing or levying such tax.

Arts. 446
and 451
to apply.
Amount
of tax.

Articles 446 and 451 of this charter shall apply to this provision.

2. Such tax shall not exceed one per cent per annum on the amount exceeding twelve hundred dollars as aforesaid.

License for
plumbing
certificate.

441. The city is authorized to charge a sum of not more than ten dollars in the form of a license for every plumbing certificate which is issued under the municipal by-laws.

442. The council may also, in addition to the above Special taxes, impose and levy, by the vote of the majority of all taxes upon: its members, the following special taxes:

a. A special tax, not exceeding one dollar, on bicycles, Bicycles, tricycles and other vehicles of that kind. This provision etc.; shall not apply to such vehicles when used by children under ten years of age;

b. A special tax, not exceeding ten dollars, on milkmen Milkmen, and bakers; etc.;

c. A special tax, not exceeding fifteen dollars, on carters Carters, etc. or hackmen;

d. On the owners of horses and vehicles, for each and Owners of every horse, a special tax not exceeding ten dollars, and for horses, etc.; each and every vehicle, a special tax, not exceeding fifteen dollars, except such owners as are licensed or taxed under the preceding paragraph;

e. A special tax, in the form of a license, not exceeding Vehicles twenty-five dollars, on every vehicle used to bring from for carting outside municipalities into the city any building stone, stone, etc.; whether it be rough or cut;

f. A special tax, not exceeding two hundred dollars, on Certain public laundries, persons keeping private hospitals, hawk- tax on ers, peddlers, canvassers, hucksters, second-hand dealers certain or junk dealers and on all itinerant traders doing business registry offices, etc. in the city, and a special tax not exceeding fifty dollars, on real estate agents.

Such tax shall not be exigible from any advocate or no-Certain tary having an advocate's or notary's office and who, occa- advocates, sionally and in the ordinary course of his professional busi- etc.; exempt ness, sells or purchases immoveables for others, or leases certain tax. the same or makes investments for his clients.

The tax which was imposed by the city previous to the Tax on coming into force of the act 10 George V, chapter 86, on junk- junk-dealers, is declared legal and binding; and the resolu- dealers, tions or by-laws imposing the same are confirmed and legal and binding; validated;

g. On persons and clubs keeping billiard-tables, pigeon-Keepers of hole-tables, bowling-alleys, shooting galleries and other billiard- similar games, a special tax, not exceeding fifty dollars, for tables, etc.; each billiard-table, pigeon-hole-table, bowling-alley, shoot- ing gallery or other game;

h. A special tax, not exceeding fifty dollars, on every Butcher's person keeping a butcher's stall within the limits of the city stall, etc.; outside of the ground set apart for the public markets of the said city, and on every fish, provision or produce dealer carrying on business outside of the land used for public markets; but this clause shall not affect retail grocers;

- Financial agents; *i.* A special tax, not exceeding fifty dollars, on financial agents;
- Persons temporarily selling bankrupt stock; *j.* A special tax not exceeding fifty dollars, on every person selling or offering for sale by retail any bankrupt stock or stocks exclusively, and a special tax, not exceeding one hundred dollars, on every person temporarily opening a shop or temporarily occupying any other premises to sell or offer for sale therein by retail, on sample or otherwise, any articles or goods whatsoever;
- Pawn-brokers, etc; Auctioneers and their clerks; *k.* A special tax, not exceeding two hundred dollars, on pawnbrokers and money lenders;
l. A special tax, not exceeding two hundred dollars, on auctioneers, and forty dollars on auctioneer's clerks; the word "auctioneer" including, not only the person who sells by auction to the highest bidder, but also the person who puts up an article for sale by auction at a price fixed by him, and who reduces such price until some one accepts it;
- Circuses, etc; *m.* A special tax, not exceeding one thousand dollars per diem, on circuses, menageries, or travelling exhibitions and shows;
- Insurance companies; *n.* A special tax, not exceeding two hundred dollars, on every life, accident, or guarantee insurance company, doing business and taking risks in the city, and a special tax, not exceeding one hundred dollars, on every marine insurance company doing business and taking risks in the city. When any such insurance company combines two or more branches of any kind of insurance above mentioned, one tax shall be levied upon such company, that is to say, the tax the rate of which is the highest on any of the said branches of insurance respectively;
- Fire Insurance premiums; *o.* A special tax, not exceeding one per cent on the premiums collected in the city by fire insurance companies doing business and taking risks in the city, provided the minimum in each case be two hundred dollars.
- Additional tax in certain cases; When any fire insurance company combines other branches of insurance, an additional special tax shall be levied upon such company, to wit: the tax the rate of which is the highest on any of said branches of insurance, respectively.
- Saving clause; The repeal by the act 4 Edward VII, chapter 49, section 13, of the first clause of paragraph (o) of article 364 of the act 62 Victoria, chapter 58, shall in no wise affect the by-laws passed in virtue thereof, which have been and shall continue in force as if such repeal had not taken place;
- Banks; *p.* A special tax, not exceeding four hundred dollars, on every bank doing business in the city, with a paid-up capital of one million dollars or less; a tax, not exceeding

five hundred dollars, on every bank, the paid-up capital whereof is more than one million dollars, but does not exceed two million dollars, and a tax, not exceeding six hundred dollars, on every such bank, the paid-up capital whereof is over two million dollars.

Every such bank shall further pay a tax of one hundred dollars for every branch it has within the city limits; Branches of banks;

q. A special tax not exceeding two hundred dollars, on every detective agency, and a special tax, in the form of a license, of not more than ten dollars on any constable not in the exclusive service of the city or of any railway or navigation company; Detective agencies, etc.;

r. A special tax, not exceeding one-tenth of one per cent, upon the paid-up capital stock of any company or corporation enjoying any franchises in, over and under or upon any of the streets or territory within the limits of the city, when such franchises shall have been or shall hereafter be acquired by the terms of any general or special act of incorporation, or in virtue of any contract or agreement with the city, or with the permission thereof. This clause shall not apply to the Grand Trunk Railway Company of Canada, nor to the Canadian Pacific Railway Company, nor to the companies or corporations whose pipes, posts, wires, rails, tunnels and other constructions and apparatus of every nature whatsoever, employed in the production or distribution of motive-power, light, heat, water, electricity or for purposes of traction, built or placed on, over and under public property, streets, roads, or elsewhere within the limits of the city, which shall be liable to the real estate tax or assessment mentioned in article 434; Companies enjoying franchises over streets or territories in the city, etc.; Certain corporations taxed under article 434, not affected;

s. A special tax on every person doing business in the city as distiller, at the rate of eighty dollars for every four hundred dollars, or fraction thereof, of the assessed yearly value, according to the valuation roll of the premises occupied and used for the purposes aforesaid; Distillers;

t. A special tax on every person doing business in the city, as brewer, at the rate of sixty dollars for every four hundred dollars, or fraction thereof, of the assessed yearly value, according to the valuation roll, of the premises occupied and used for the purposes aforesaid; Brewers;

u. A special tax, not exceeding one thousand dollars, on all persons, companies or corporations engaged in or promoting lotteries of any kind whatsoever legally authorized, including art unions, art associations, and such like enterprises whose operations consist in advancing, lending, giving, selling or in any way disposing of any property by lots, tickets, cards or any other mode of chance whatsoever, and Lottery companies, etc.;

a special tax not exceeding ten dollars on every person selling or offering for sale such tickets or cards;

Commission
merchants;

v. A special tax, not exceeding fifty dollars, on commission merchants selling food products;

Coal oil
traders;

w. On persons, corporations or firms, carrying on the coal oil trade and selling by retail or delivering such oil in quantities less than thirty-five gallons, in the streets or places in the city other than their place of business, a tax not exceeding fifty dollars, for each vehicle drawn by one horse; seventy-five dollars for each vehicle drawn by two horses; one hundred dollars for each vehicle drawn by three horses; one hundred and twenty dollars for each vehicle drawn by four horses, employed for the purposes of such trade or commerce;

Public
scale, etc.;

x. Upon every public or private scale operated for a money consideration, a special tax not exceeding twenty dollars;

Skating
rinks,;

y. A special tax, not exceeding fifty dollars, on every owner of a skating rink;

Concert
hall, etc.;

z. A special tax, not exceeding five hundred dollars, on every owner, occupant or tenant of a concert hall or hall for theatrical performances; a special tax, not exceeding eighty-five cents, for every seat for one person, on every owner, occupant or tenant of a hall for the exhibition of moving pictures; a special tax not exceeding two hundred dollars on every owner, occupant or tenant of a dancing hall; a special tax not exceeding fifty dollars on every owner, occupant or tenant of a museum or hall of amusement whatsoever, where any entrance fee or any sum whatsoever is paid for taking part in the amusements. In order to prevent fire, the city may place one of its firemen in concert halls, halls for theatrical performances or for the exhibition of moving pictures, during every performance or exhibition in such halls;

Exhibition
of magic
lanterns,
etc.;

aa. A special tax, not exceeding five dollars per diem, on any exhibition given by means of magic lanterns or electric lamps, or other apparatus or illustrated advertisements, images or signs used for advertising articles not included in the usual trade of the house whereon such sign is placed;

Automobiles
etc.;

bb. A special tax, not exceeding five dollars, on every automobile vehicle, or other vehicle not drawn by horses, used exclusively for purposes of business or pleasure, and a special tax, not exceeding twenty dollars, on every automobile vehicle, or other vehicle not drawn by horses, serving for the conveyance of travellers;

Advertising
vehicles;

cc. A special tax, not exceeding fifty dollars, on every carriage or other vehicle used for advertising purposes;

dd. A special tax, not exceeding twenty dollars, upon every person, firm, company and corporation not residing or having a place of business within the limits of the city, who shall come therein to carry on retail trade, or who therein shall cause to be delivered or delivered by wagons or vehicles goods so sold in the city; Non-residents carrying on retail trades;

ee. A special tax, not exceeding five dollars, on every boot-blackening establishment or stand; Boot-blackening stands;

ff. A special tax, not exceeding thirty dollars, on every vehicle drawn by three or more horses not already taxed; Vehicles, etc;

gg. A special tax, not exceeding one hundred dollars, on every person or agent of a person or company not occupying any stall, store or warehouse, licensed for the sale of butchers' meat, game or poultry, within the limits of the city, who takes orders for any one or more of such articles, or for salted or smoked meat or pork, or offers for sale one or more of such articles from door to door or from shop to shop; Street vendors of butcher's meat, etc.;

hh. A special tax, not exceeding one hundred dollars, on all brokers who are members of the stock exchange, and on all other brokers or persons carrying on the stock exchange business, either as agents, correspondents or representatives of brokerage or exchange brokerage firms, except the members of the corn exchange; Brokers;

ii. A special tax, not exceeding one hundred dollars on every person canvassing or taking orders for the making of photographic pictures or practising the art of photography, for gain, in any place other than a place of business entered on the valuation roll, provided that, in the latter case, this provision shall not apply to the persons whose names appear on such roll, or to their employees; Canvassers for photographs, etc.;

jj. An annual tax of one thousand dollars on all persons, firms or companies carrying on the business of loaning money on the security of moveables or wages, and charging more than ten per cent interest per annum, except pawnbrokers and incorporated companies; Money-lenders, etc.;

kk. An annual special tax not exceeding one dollar per square foot on every illuminated sign or electric sign placed on the streets, alleys, sidewalks or public grounds; Illuminated signs, etc.;

ll. A special tax of one dollar on every owner or tenant of any house of refuge, night-refuge or other similar establishment in which any persons are harboured; Houses of refuge, etc.;

mm. A special tax not exceeding twenty-five dollars, on every longshoreman not being a resident of the Province of Quebec, who comes to work in the port of Montreal; Longshoremen, non-resident;

nn. A special tax not exceeding one hundred dollars, on every wholesale dealer in meat or fish. Wholesale fish and meat dealer.

Occupation
tax.

443. The city is authorized to impose and levy upon any person occupying an immoveable or part of an immoveable in the city, either as owner, tenant, usufructuary, or by any other title, an annual tax not exceeding three per cent of the rental value of such immoveable or part of immoveable, as entered in the valuation roll in force; but any person occupying as aforesaid an immoveable or part of an immoveable, the rental value whereof is less than one hundred and fifty dollars, shall be exempt from such tax.

Bachelors.

444. The city is authorized to impose a yearly tax, not exceeding ten dollars, upon every bachelor who has reached the age of twenty-five years, and who resides, works, or has a place of business in the city. The city may also enact in what manner such tax shall be imposed and levied, and at what date it shall be exigible. This provision shall not apply to any person belonging to a religious order, nor to any bachelor paying a tax of at least ten dollars to the city.

Special tax
may be in
form of
license, etc.

445. Every special tax imposed under article 442, 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; but the city treasurer may, however, issue licenses from the 1st of February for a term of fifteen months.

Certain
persons
must pay
license fees.

446. Every person, company or corporation, advertising or holding out himself or itself, by signs or by advertisements in the newspapers or otherwise, as agent, broker or intermediate agent, or as practising or carrying on any profession, business or trade whatsoever, shall pay the license fee fixed by the by-laws of the city in the same manner as if such person, company or corporation actually acted as such agent, broker, or intermediate agent, or actually practised or carried on any such profession, business or trade.

Refusal of
licenses, etc.

447. The general manager of the city may refuse, in the interest of good morals or public order, any permit or license which might otherwise be granted in virtue of this charter.

Certain
corporation
not affected.

448. This charter shall not in any way affect the privileges granted to the Montreal Zoological Gardens by the act 57 Victoria, chapter 77.

449. Any special tax imposed in virtue of article 442 shall be payable for each commercial establishment kept by the same person, firm or company in two or more distinct or separate buildings or places of business. Certain special taxes how payable.

450. In addition to the above taxes mentioned in the foregoing articles, the council may also impose such taxes as are otherwise authorized by this charter. Further taxes.

451. Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually, and at the time fixed by the by-laws which may be passed with respect thereto. Taxes, etc., payable annually.

452. Every special tax on immoveables imposed under this charter shall be payable on the first of October. When such tax is payable by yearly instalments, the first instalment shall be payable on the first of October next after the imposition thereof, and the other instalments on the first of October of every subsequent year until full payment of the same. Due date of special taxes.

As regards all rolls in force at the coming into force of this charter, every instalment due after the first of October, 1919, became payable on the first of October, 1920, with the accrued interest to that date, and the other instalments shall be payable on the first of October of every subsequent year until full payment of the same. The city may, however, by by-law, fix another date for the payment of such taxes. Id. Proviso.

453. The cadastral number, given to immoveable property upon the official plan and in the book of reference for the territorial division in which such property is situated, shall be a sufficient description of such property in the assessment and valuation roll to enable the city to levy any assessment thereon. Cadastral number sufficient to describe the property.

454. In all rolls of assessment upon immoveable property, or general or special apportionments, it shall be sufficient to describe the immoveable subject to the tax by its cadastral number or by the subdivisional number of a cadastral number in the official plan and book of reference, adding the word "part" when such immoveable consists only of part of a lot bearing a cadastral or subdivisional number. Cadastral number sufficient to describe the immoveable property.

The rolls now in force made in accordance with the provisions of this article are declared valid and legal. Validity of certain rolls.

When
property is
subdivided.

455. Whenever the subdivision of any property shall not have been duly registered in the registry office in the limits whereof such property is situated, the assessors may assess it as a whole; and it shall be lawful for the city to levy such assessment on the whole or on any part of such property; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately, and to value the share of assessment imputable to each known proprietor.

Business
tax payable
for every
branch of
service.

456. The business tax shall be payable for every establishment of any trade, business or occupation, when it shall be carried on by the same person, firm or company in two or more distinct and separate buildings or places of business.

Tax on
partners.

457. In the case of any tax or assessment imposed on any firm or partnership, in respect of the business of such firm or partnership, such tax or assessment may be claimed and recovered in full from any of the members of such firm or partnership personally.

By-laws
for collec-
tion of
special tax.
etc.
Also for
declaration
to be made.

458. The council may pass such by-laws as may be necessary to enforce the collection of any special tax or special assessment imposed in virtue of this charter.

It shall also have the right to determine, by by-law, the declaration which persons, companies and corporations paying taxes under this section, shall be obliged to make, even under oath, to facilitate the collection of the said taxes.

Duty of
assessors in
default of
declaration.

In default of any such person, company or corporation making such declaration required by the by-laws of the city, the assessors shall estimate the matters subject to the said taxes under article 442, and such value shall be valid for all lawful purposes.

From whom
municipal
taxes on
immoveable
property
may be
claimed.

459. The general or special municipal taxes levied on any immoveable may be claimed from the occupant or other person in possession thereof, as well as from the proprietor, and also from any subsequent purchaser of such immoveable, even if such occupant, possessor, purchaser or proprietor is not entered on the roll imposing the said taxes.

Subrogation:

The person who, not being the proprietor, pays such taxes, shall be subrogated in the rights and privileges of the city, and may recover from the proprietor the amount of the taxes so paid by him.

What is

460. The cost of an expropriation, or of making side-

walks, sewers or other municipal works payable by the proprietors by means of a special tax on immoveables, comprises the amount spent by the city for such purposes, together with the interest of such sums at the rate of six per cent per annum, counting from the date when they were paid by the city to the date of the coming into force of the roll of apportionment.

SECTION XVI

BOARD OF ASSESSORS, VALUATION AND ASSESSMENT ROLLS,
AND MUNICIPAL AND SCHOOL TAX ROLLS.1.—*Board of Assessors.*

461. The council, in December of each year, shall appoint fourteen assessors, with power to increase or diminish their number, from time to time, by a resolution adopted by the majority of the whole of its members.

The council may dismiss any of such assessors who shall fail in the performance of his duty, and may fill any vacancy which may occur in their number.

Such assessors shall hold office until their successors shall have been appointed.

The remuneration of such assessors shall be fixed from time to time by the council; and it shall designate which of the assessors shall act as chairman of the board, and, in his absence, the board shall elect one of its members to preside at their meetings.

The council shall decide in what manner the work shall be divided among the assessors.

462. Before taking office, every assessor shall subscribe to the following oath of office before the mayor or city clerk:

"I, A.B. having been appointed an assessor for the city of Montreal, do declare upon oath that I will faithfully, impartially, honestly and diligently perform the duties of an assessor, according to law; So help me God."

2.—*Valuation and Assessment Rolls*

463. Every year, between the 1st of January and the 1st of September, the assessors shall prepare a valuation and assessment roll for all immoveable property situated in the city.

In valuing such immoveable property the board of assessors shall divide their labours in such a manner that at least two assessors shall act together.

Contents
of rolls:

Street
names, etc.;

Such roll shall contain:—

1. The street names and street numbers of immoveables and their cadastral numbers, distinguishing between assessable immoveables and those exempt from assessment, and also between the lands and buildings, and valuing each lot separately, except, however, where a building covers several lots or where several lots owned by the same proprietor are being used for the same purposes, in which case the whole may be assessed as a single lot;

Full names,
etc., of
proprietor.

2. The full names and occupations of proprietors and their actual residences, as far as can be ascertained, except in the case of successions, where the name of the deceased owner shall be sufficient when the heirs are not known, according to the registers in the registry office, or do not make known their names and qualities to the assessors;

Exception.

Present
value, etc.,
of property,
etc.;

3. The present value, as well as the *bona fide* rent, of such immoveable property, and if the assessors consider that such rent does not represent, or is disproportionate to the annual value of such property they shall insert, in the assessment roll, the present annual value thereof;

Amount
of assess-
ments;

4. The amount of assessments imposed on immoveable property by law and in virtue of any provision of this charter;

Amount
of tax for
removal of
snow, etc.;

5. The amount of the tax for the removal of snow from the sidewalks in the city, under the by-laws relating to the matter, imposed on the proprietors of the immoveables from which the snow was removed, according to frontage or value of such immoveables, as may be determined by the council;

Information
for school
tax;

6. The necessary information for the compilation of the panels for the school-tax;

Any other
information.

7. Any other information required by law or by the council.

From
whom may
be obtained
the neces-
sary
information.

The necessary information for the completion of the assessment and tax rolls, such as the names of proprietors, occupants or tenants, the actual rental and all other information needed generally, may be obtained by employees of the assessment department deputed therefor by the assessors, and the said assessors may use such information as if obtained by themselves personally.

Division
of roll into
parts, when
necessary
and expe-
dient.

464. If they deem it necessary or expedient, either for the preparation of the valuation and assessment roll or its revision, or any other purpose, the assessors may divide such roll into parts according to any method or on any basis they may choose.

3.—*Tax Roll*

465. The assessors shall further make, between the Annual 1st of January and 1st of August of every year, a tax roll tax roll, etc., which shall specify all the personal, business and water rates due to the city in virtue of any law or by-law, and the names of all persons liable therefor, including the names of all persons liable for the payment of the tax upon bachelors. Section 464 shall apply to this roll.

466. In making the tax roll, the assessor shall insert Contents therein the name, surname, occupation and residence of of roll. every person in the city paying the water-rate or tax to any firm or corporation other than the city; and every such person shall, if he be otherwise qualified as an elector, be entered on the list of electors of the said city.

4.—*General Rules.*

467. It shall be lawful for the city treasurer to make Credit credit entries of payments on the margin of the said valuation and assessment roll and on the said tax roll, and all may be necessary figures to calculate and establish the unpaid made in balance outstanding at the end of the fiscal year; provided margin of that in other respects the said rolls are in no wise altered valuation roll, etc. or changed. Proviso.

468. It shall be the duty of every rate-payer and citizen Duty of to give, when requested, all information that may be sought rate-payers, by any of the assessors in the discharge of their duties; and etc., to give any person refusing to give such information, or who know- information to assessors. ingly misleads or deceives any of the assessors, or insults or assaults them, or refuses to allow them, in the discharge of their duties, to enter in or upon the property or premises owned or occupied by him, shall, for each offence, incur a penalty not exceeding twenty dollars recoverable before Penalty for the recorder's court. default.

Owners of houses or buildings containing several apart-House ments, lodgings or offices, shall be held to furnish the asses- owners to sors, when required to do so, with a complete list of their give lists of tenants or occupants together with the amounts paid by tenants. each of them for the rental or occupation of such apartments, lodgings or offices; and every owner who shall refuse to furnish such list or who shall knowingly furnish a false or incorrect list or insult or assault the assessors in the performance of their duties, shall incur the penalty above Penalty. mentioned, recoverable in the same manner.

469. Immediately upon the completion of the tax roll, Notice of

completion
of and
delay for
examining
rolls to be
published.

To contain
also notice
of days
fixed for
revision
of rolls.

When
revision
to be
completed.

Complaints
against
rolls, etc.

How
complaints
against
valuation
roll to be
made and
heard, etc.

Contesta-
tion as to
valuation of
immovea-
bles.

Record of
proceedings
of assessors.

Delays.

Complaints
need not be
in writing.

as well as later, upon the completion of the valuation and assessment roll, the board of assessors shall give public notice of such completion by advertisement, in two daily newspapers published in the French language, and two in the English language, specifying in each advertisement the delay for examining said rolls, which delay shall not be less than eight days from the date of the last insertion of such notices; and the said notices shall also announce the days on which each of the said rolls, respectively, will be revised, specifying, in particular, the days on which any part of the said roll will be revised if article 464 has been made applicable.

The revision of the tax roll shall be completed not later than the twentieth of August in each year, and the revision of the valuation and assessment roll shall be completed not later than the twentieth of September in each year.

470. During the delays fixed by the said notices respectively, the board of assessors shall receive all complaints that may be brought before it, respecting any entries or omissions in the tax roll, or in the valuation and assessment rolls, at the respective times and places announced by such notices, and may adjourn, from time to time, as may be necessary, to hear and determine such complaints, provided at least two days previous notice be given to the complainant, but it shall give its decision in the shortest delay possible, and in any event on or before the thirtieth of November.

471. All complaints in respect of the valuation and assessment rolls must be made in writing, and the board of assessors shall have power to hear and examine upon oath the parties interested or their agents, in respect of such complaints, and thereupon confirm or amend the entries complained of.

472. In the event of a contestation arising as to the valuation of an immoveable, such contestation shall apply to the total valuation of the immoveable and not merely to the valuation of the land or to that of the buildings.

473. The board of assessors shall keep a succinct record of its proceedings upon any verbal or written complaints. No complaints as to any entry in any tax roll, or in any valuation and assessment roll, shall be received after the expiration of the delays fixed as aforesaid for the examination and revision of such rolls.

Complaints as to the tax roll need not be made in writing, unless so required by the board of assessors.

474. Any rate-payer having duly complained of any entry or omission in the said rolls or either of them, who may think himself aggrieved by the decision of the assessors, may, within eight days, appeal from such decision by petition to the recorder's court, which shall have jurisdiction in all such cases. Appeal to recorder's court from decision in proceedings thereon.

All such petitions, together with a copy of the proceedings had in each case before the assessors, duly certified by the secretary of the board, shall be filed with the clerk of the recorder's court, who shall give each petitioner notice of the day and hour when the said court will proceed to hear and determine the merits of the complaint. Filing of petitions.

When the cases are heard, evidence may be adduced by the parties interested upon the matters at issue. Evidence.

475. A final appeal shall lie from any decision rendered by the recorder's court in respect of any entry on the valuation and assessment roll or on the tax roll, to any one of the judges of the Superior Court, by summary petition, in term or vacation, within a delay of ten days from and after such decision, and it shall thereupon be lawful for any judge of the Superior Court to order that the record of the proceedings of the recorder's court, together with the complaint itself, be transmitted to him, and, upon receipt thereof, and after having heard the parties, either in person or by attorney, to give such judgment as to law and justice shall appertain, and such judgment shall be final. Final appeal to judge of Superior Court.

476. As soon as the board of assessors shall have completed the revision of the valuation and assessment roll and the tax roll respectively, it shall deliver the same to the city treasurer, duly signed and certified under oath before the mayor or city clerk, and signed by not less than a majority of the members of the board; and thereupon, except in respect of any case appealed from, the said rolls shall be binding upon all persons named or assessed therein for the amounts fixed by the said rolls respectively, and shall remain in force until a new roll or rolls have been completed and put in force in accordance with the provisions of this charter. When complete rolls to be delivered to city treasurer. Rolls thereafter binding and remain in force until new rolls completed.

477. Upon receipt of the said rolls, or either of them, the city treasurer shall give public notice thereof, in the form No. 25. City treasurer to give notice on receipt of rolls.

478. If any ratepayer neglects to pay the amount of taxes or assessments due by him, the city treasurer may, neglects to pay, city

treasurer
may, after
notice,
levy
amount.

after having mailed or delivered to such ratepayer a notice according to form No. 26, and after the expiration of the delay therein mentioned, levy the same, with costs and interest, by warrant to be issued by the recorder's court, in the form No. 27, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all goods and effects in his possession, in whatever place within the city such goods and effects may be found, saving the exemptions provided by law, and no claim of ownership or preference in connection with the same shall prevent the sale thereof, for the payment, out of the proceeds of such sale, of any taxes or assessments due on the premises where the said goods and effects are found.

Privilege
on furniture,
etc., for
personal
taxes.

479. The furniture, chattels or goods belonging to a rate-payer liable for the payment of the tax, that are found in a business establishment, are affected by privilege until the end of the then current year for the payment of the personal taxes imposed for such year, so long as they remain in the premises assessed, even though they change owner under a voluntary transfer.

Extent of
city's privi-
lege for
taxes, etc.

480. The legal privilege of the city for all personal and business taxes and water-rates due to it or any interest thereon, and costs, shall extend to all moveable goods, chattels, and effects, that may be found upon the premises occupied by the debtor on the day of the seizure mentioned in article 478, and also upon any other goods and chattels that may belong to him, wherever found at the time of their seizure by the city.

Notice to
be given
before
proceeding
to sell goods
and chattels.

481. Before proceeding to the sale of goods and chattels for the payment of taxes, the bailiff charged with the writ of execution shall give notice, in the form No. 28, of the day and place of sale, and of the name of the debtor in default, which notice shall be posted in a conspicuous place at the entrance of the city hall, and he shall serve a copy thereof on the debtor at least eight clear days before the said sale.

How service
may be
effected.

482. The service upon the debtor required by article 481, may, in default of any known regular domicile, be made at the debtor's business office or commercial establishment or ordinary residence.

If the debtor has no known regular domicile, nor business office, nor commercial establishment nor ordinary residence, the notice shall, on a return attesting such fact, be given in the manner ordered by one of the city recorders.

483. No larger quantity of goods and chattels shall be sold than shall be sufficient to pay the amount of the debt, interest and costs, unless, from the nature of the article to be sold, it is impracticable so to limit such sale.

If the goods and chattels seized are sold for more than the whole amount exigible, under the writ of execution, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus be previously made by any person by reason of any right or privilege thereupon, and such claim be admitted by the person against whom the seizure is made, such surplus shall be paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer, until the respective rights of the parties be determined by the court.

484. No error, omission, or informality in the preparation, completion, publication or putting into force of any tax roll or valuation and assessment roll, shall invalidate the same, unless an actual injustice results therefrom.

No informality in the completion or confirmation of these rolls shall affect the status in any suit under this charter of any elector whose name is entered thereon as qualified to vote.

485. All powers hereby vested in the said board of assessors may be validly exercised by a majority of the board.

486. The roll for school taxes may be included in the register containing the assessment roll for immoveables, and with the same formalities.

The treasurer may also revise the panels of such school roll in the same manner and with the same effect as they were in a separate book or roll.

487. The city of Montreal shall be exempt from the payment of any school tax which may be imposed on the immoveables belonging to it, and situated within its limits, and occupied or utilized for public purposes.

488. At any time after the completion of the valuation and assessment rolls and the municipal and school tax rolls, the assessors shall make a supplementary roll containing the names of all persons who have been omitted from the first rolls, or who have since become liable for the payment of any assessments or municipal and school

taxes, and such supplementary roll shall be closed on the 20th of November, and shall not be subject to revision.

Copy of valuation and assessment roll for publication.

489. The assessors shall, when ordered so to do by the council, in January of every fourth year, commencing with 1924, cause to be prepared for publication a copy of the valuation and assessment roll then in force as prepared under article 463.

Such roll may be published and made accessible for citizens in such manner as the council shall by resolution provide.

Subrogation granted when tax is paid by third party.

490. Whosoever, not being a debtor, pays to the city any municipal or school, immoveable or personal, general or special tax or water-rate due by a third party, is *de jure* subrogated in the rights and privileges of the city, and may recover the amount of the taxes so paid by him from the real debtor.

Proviso.

Such subrogation has no effect against such debtor unless the receipt given by the city treasurer states that the payment was made with subrogation.

SECTION XVII

SALE OF IMMOVEABLES FOR TAXES AND ASSESSMENTS

Schedule of immoveable arrears for taxes, etc.

491. It is the duty of the city treasurer to prepare, before the first day of May, every year, a schedule indicating every immoveable in the city, describing it as it is entered on the valuation and assessment rolls, on which at least two years' arrears of assessments or any portion thereof have accrued, or on which the assessment or any portion thereof for any single year shall have been due and unpaid for more than one year, or on which any special assessment or portion thereof is due, with the names of the proprietors as they appear upon the latest valuation and assessment rolls, and stating also the amount due in each case, with accrued interest.

Notice to be given.

492. The city treasurer shall then cause to be served at, or mailed by registered letter to, the domicile or place of business of the last assessed owner on the said valuation and assessment roll, a statement showing the amount due, with a notice that the immoveable will be sold by the sheriff, in default of payment within ten days from the date of mailing or service of such notice.

Notice to last registered owner in certain cases.

In the event of the immoveable having changed owners subsequent to the completion of the latest valuation and assessment roll, then the said notice may be mailed or served upon the last registered owner.

If the last assessed or registered owner has no known domicile within the Province of Quebec, or has no known representative, the formality of the notice shall not be required. If domicile of owner not known, etc., in such cases.

When the entry or entries under any cadastral number or subdivision thereof in the registry office do not disclose its owner, or when the title to the immoveable is not sufficiently clear to make known such owner, the service or mailing of the statement and notice upon the last assessed owner, in the manner above described, shall be sufficient. When owner is not sufficiently described.

When the name of the owner is unknown and the immoveable appears in the last valuation roll in the name of an unknown person, the formality of the notice is not necessary, and, in all notices published in connection with the sale, it shall be sufficient to indicate that the owner of such immoveable is unknown. When owner is unknown.

When the assessed immoveable is placed on the valuation and assessment roll as belonging to an estate or to co-proprietors, the statement and notice, if served upon or mailed, by registered post, to any two of the heirs or co-proprietors, shall be sufficient. When property belongs to a succession.

493. If the amount due is not paid within a delay of ten days, the city treasurer shall transmit a statement, duly certified by him, to the sheriff of the district of Montreal, which statement shall contain a description according to law of every immoveable to be sold for taxes; and the sheriff shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of all the immoveables described in such statement, after having published a notice thereof, as provided in article 494. Statement to be delivered to sheriff and sale by that officer after notice.

494. The notice to be given, as aforesaid, by the sheriff may be in the form No. 29; it shall mention as many immoveables as the sheriff has been required to sell, for the levying of the amount due to the city, with interest and costs. Form of notice, and immoveables to be mentioned therein.

In the said notice it shall be sufficient to describe the immoveables by their cadastral numbers or by the subdivision number of a cadastral number on the official plan and book of reference, and by adding the word "part" when such immoveable is only a portion of a lot bearing a cadastral or subdivision number, and by adding the name of the street and the civic number, if any there be. How immoveables described.

The sheriff shall, nevertheless, refer, in the said notice, to the statement prepared by the city treasurer, in accordance with article 493. Sheriff to refer to schedule.

Such notice shall be published once at least one month Publication

of notice
of sale.

before the date fixed for the sale, in the *Quebec Official Gazette*, and also once in a daily English newspaper, and in a daily French newspaper, published in the city, or in the *Municipal Bulletin* alone, if the city so decides by resolution.

Copy of
notice to
be sent to
registrar.

495. Immediately after the publication of the said notice as aforesaid, the sheriff shall transmit to the registrar of the registration division in which such immoveables are situated, a copy of the notice of such sale, and of the descriptive schedule of the immoveables to be sold; and the registrar shall proceed, with respect to the said immoveables, in the same manner as he is bound to do upon notices for seizures of immoveables made by the sheriff according to law.

Duty of
registrar
thereupon.

Sheriff
to exact
deposit
before
adjudica-
tion.

496. Whenever any immoveable is offered for sale by the sheriff under this charter, he shall exact from the highest bidder, and before final adjudication, a sum of money equal to the amount of the assessments for which the immoveable is advertised to be sold, with the interest and costs, and also the approximate cost of the judgment of distribution to be prepared by the prothonotary of the Superior Court. Nevertheless, if the amount bid be insufficient to cover such assessments, costs and interest, the amount to be deposited shall be only the amount of such bid.

Proviso.

If deposit
refused.

Should the last bidder refuse or neglect to make such deposit, then the sheriff shall immediately re-offer the immoveable for sale, on the same conditions.

Remedies.

All the remedies or procedure applicable to sales by the sheriff under writs of execution, as well as the legal effects thereof, shall also be applicable to sales under this charter.

Date of sale.

497. Sales of immoveables, as aforesaid, shall take place on the fifteenth day of October in each year, or, if such day be not a juridical day, then on the following juridical day.

Mode of
procedure
at sale.

The immoveables shall be offered for sale separately in the order in which they appear in the notice; and if, on the day of the sale, no bid be made, or if all the immoveables cannot be sold on the day appointed, the sale shall be postponed until the following day, and so on, from day to day, until all are sold.

Proceeds
of sale how
disposed of.

The proceeds of the sale of each immoveable shall be returned by the sheriff into the Superior Court, to be distributed according to law.

Redemption

Property sold for taxes may be redeemed by the prop-

rietor or his representative at any time within two years by pro-
from the date of sale, on payment to the purchaser of the prietor.
amount paid by him for such property, with fifteen per
cent added to such amount.

The said proprietor shall then be entitled to a receipt Receipt to
from the said purchaser establishing the fact of such proprietor.
repayment to him, which receipt shall be given by the
latter by means of a notarial deed at the proprietor's cost
and expense; and, after an authentic copy of such receipt
has been registered, the said proprietor shall recover all
the rights of ownership of the said immoveable which he
possessed at the moment of the sale by the sheriff, subject
to any privileged or hypothecary claim against the said
immoveable existing at the moment of such sale, less what
may have been paid by distribution of the moneys levied
by the sheriff under such sale; which claims shall continue
to affect the said immoveable for all legal purposes, as
fully and completely as if the said sale by the sheriff had
never taken place.

498. When the city purchases an immoveable under Amount to
article 499, and such immoveable is afterwards redeemed be included
by the owner or his representative, under article 497, the in repur-
repurchase price shall, in addition to the amount paid for chase price.
such immoveable and the percentage of fifteen per cent
on such amount, include an amount representing the general
or special taxes on immoveables or the instalments due
if such special taxes are so payable, imposed upon such
immoveable from the date of the sale to the date of the
repurchase, as well as all amounts remaining due to the
city for taxes that may not have been paid by the distribu-
tion of the moneys levied under the sale by the sheriff.

Until the repurchase or the expiry of the delay for Property
redemption, the city shall carry such immoveable on the to be carried
valuation roll and on the roll for assessment on immove- in name
ables, and for the assessment or special apportionment, of the city.
in its name, and shall assess upon the same as upon any other
immoveable liable to taxation. After the repurchase the
instalments not yet due on special taxes shall continue to
affect the immoveable, and the proprietor shall be per-
sonally responsible therefor.

499. No employee of the city shall directly or in-Employees
directly bid for, or become the purchaser of, any of such not to bid
immoveables; and if he shall do so, such bid or adjudication nor pur-
shall be void. chase.

The city treasurer, or a person named by him, may, City may
however, bid for and become the purchaser of any immove- bid and
purchase

through city treasurer. ables for and in the name of the city, in order to protect the interests of the city.

Claims
for taxes
privileged.

500. All moneys now due or which may become due to the city, for any tax, special or annual, assessments or water-rates, together with interest accrued thereon and costs, are privileged debts and rank without registration upon the proceeds of the sale of the moveable or immoveable property in respect of which such debt is due, in the order fixed and determined in articles 1994 and 2009 of the Civil Code; provided always that such privilege shall not extend beyond the amounts due for five years from the time such taxes, or special or annual assessments or water-rates, have become due, and, in the case of special assessments payable by yearly instalments, for five years from the date each instalment has become due.

Rank
thereof.

Proviso.

Further
proviso.

Nevertheless, if the city, within five years, to be counted from the time at which such tax, special or annual assessment or water rates, became due, has taken legal proceedings for the recovery thereof, either under the provisions of this charter or by an ordinary action, then its privilege shall continue, extend and apply to all taxes, special or annual assessments and water-rates, which may have become due between the institution of legal proceedings and final judgment.

Privilege
for certain
special
taxes.

501. Any special tax or assessment imposed upon a portion only of a property, shall be payable and exigible by privilege taking the same rank as that given by article 500 upon the whole of the said property as entered on the valuation roll, and in the case of non-payment the city may have the immoveable sold.

Interest
on taxes.

502. Interest accrues on all taxes and assessments, water-rates and special taxes from the date when such taxes, assessments and water-rates are respectively due and payable.

Not to be
remitted.

It shall not be lawful for the council or any of its officers to remit any part of the interest so accrued.

Interest
on certain
special taxes.

503. Notwithstanding any act or by-law to the contrary, every tax, assessment, water-rate or special tax imposed since the 9th of February, 1918, shall bear interest at the rate of six per cent per annum during sixty days after it becomes due, and at the rate of seven per cent per annum at the expiration of such sixty days until payment thereof; and every tax, assessment, water-rate or special tax payable by instalments, shall bear interest

at the rate of six per cent per annum from the coming into force of the roll, and every instalment not paid within sixty days after it has become due, shall bear interest at the rate of seven per cent per annum from the expiration of such sixty days, until payment thereof.

Notwithstanding any law or by-law to the contrary, ^{Rate of} and without prejudice to the interest accrued up to the ^{interest.} 9th of February, 1918, every tax, assessment, water-rate or special tax due and payable at such date, shall bear interest at the rate of six per cent per annum from such date, and, if not paid within sixty days thereof, it shall bear interest at the rate of seven per cent per annum until paid, from the expiration of such sixty days; and, in the case of a tax, assessment, water-rate or special tax payable by instalments, interest shall be at the rate of seven per cent per annum from the above date on the instalments due, and at the rate of six per cent per annum on the instalments not due; and if such instalments are not paid when due or within sixty days after they become due, the interest on such over-due instalments shall be at the rate of seven per cent per annum from the expiration of such sixty days.

504. Subject to the provisions of this charter, the ^{Prescription.} right to recover any tax, special or annual assessment, or water rate under this charter, is prescribed and extinguished by five years to be computed from the time at which said tax, special or annual assessment, or water-rate became due, provided that in cases of special assessments, payable in yearly instalments, the prescription shall run only from the time when such instalments are due respectively.

505. Whenever any valuation and assessment roll, or ^{Prescription} special assessment roll, is attacked or contested by judicial ^{tion inter-} proceedings, such proceedings shall be held to interrupt ^{rupted in} prescription in respect to the taxes imposed by such ^{certain cases.} assessment roll until the date of the final adjudication upon or determination of such judicial proceedings, and to extend the privilege in respect of such taxes by a period equal to that during which such contestation lasted.

506. In any judicial proceeding, the production of a ^{Evidence of} receipt, stamped with an official stamp of the city, and ^{payment} purporting to be signed by the city treasurer, or other ^{of taxes.} person for him, shall be held and taken as *prima facie* evidence of the payment of any tax, assessment or water rate that may be due to the city.

Sale of
certain
property
for taxes.

507. The provisions of articles 491 to 506 inclusive, shall apply to the sale of properties on which ordinary or special immoveable assessments were due at the date of the annexation in municipalities which have been annexed to the city of Montreal since the 1st of May, 1909, and in those which may be hereafter annexed.

SECTION XVIII

CITY PLANNING BOARD

Creation
and compo-
sition of
City
Planning
Board.

508. The city council shall, without delay, appoint by resolution adopted by a majority of the whole council, a City Planning Board composed of five members, of whom the Director of Public Works and the Director of Public Utilities of the city shall be two. The other three members of the board shall be chosen from among the citizens, and shall be appointed by reason of their knowledge of matters concerning city planning, and shall hold office during the pleasure of the council which may cancel the appointment of all or any of said members by resolution adopted as aforesaid.

Powers
of board.

509. The board shall have such power and authority, as may from time to time be determined by by-law of the council, to supervise, regulate and control the plan, design, and location of all public buildings belonging to the city; all bridges, viaducts, street fixtures or appurtenances within the city; the design and location of any works of art which are or may become the property of the city; the removal, re-location and alteration of any public works belonging to the city; the demolition or removal of all public buildings or installations belonging to the city, or alterations therein; the location, extension and planning of streets, parks, squares and other public places; the subdivision into streets, lanes and lots of any new areas of territory within the city; and the preparation of geometrical or other plans which may be deemed necessary for the future physical development and improvement of the city.

Cooperation
with Metro-
politan
Commission.

510. In order to render its work more effective in the planning of improvements of a character affecting other municipalities besides the city, the board shall have full power to co-operate with, unite with or form part of any metropolitan council or commission which may be formed for the district or island of Montreal.

511. All proposals of the council, or of any of the executive officers or administrative departments of the city, which affect the plan of the city, shall, before being acted on, be submitted to the city planning board for its report and recommendations; and the council may at any time call upon the board to report upon and make recommendations in reference to any matter or thing which affects or may affect such city plan, and the board may of its own volition report to the council on any such matter or thing and make recommendations in reference thereto.

The board shall have power, through the general manager of the city, to call upon any department of the city's administration at any time for information and advice which, in the opinion of the board, will assist in or increase the efficiency of its work.

512. No action by the city council involving any matters connected with city planning, as mentioned in article 511, shall be legal or binding until such action has been referred to the city planning board, and the recommendations of such board thereon have been received and considered and either accepted, modified or rejected by the council; and the board shall, within thirty days of any reference to it, deal with and report to council upon the matter so referred, unless a shorter or longer period be specified in such reference, in which case report shall be made within such specified delay.

513. The board shall submit to the council, on or before the first day of March in each year, an annual report summarizing its activities for the fiscal year ending on the preceding 31st of December. In such report shall be noted all recommendations made by it to the council during the year, and the action taken by council thereon, or on any previous recommendations of the board. Such annual report shall also contain a programme for improvements to the city plan from year to year during the three years then next ensuing, with estimates of the cost thereof, and recommendations as to how such cost shall be met.

514. The board shall appoint as its secretary a person of skill and experience in city planning, and it may also employ, from time to time, one or more consulting city planning experts as occasion therefor may arise. The salaries or compensation of such secretary or experts shall be paid by the city, and the amount therefor shall be subject to approval of council.

City
engineer to
act as
board's
engineer.

515. The city engineer shall serve as the chief engineer of the city planning board, and it shall be his particular duty to make recommendations to the board designed to bring all the engineering works of the city into harmony as parts of one comprehensive plan.

Chief health
officer to
advise
board.

516. The chief executive health officer of the city shall likewise advise the city planning board from time to time of any municipal improvements within the scope of the functions of the board, which in his opinion would improve the healthfulness of the city.

SECTION XIX

STREETS AND HIGHWAYS—PLAN OF THE CITY

Description
and record-
ing of
streets.

517. It shall be the duty of the city surveyor to cause such of the streets, lanes, highways and public squares or any part thereof, as have been acquired by the city or have been open for public use for ten years, and not heretofore recorded, or sufficiently described, to be described and recorded in a book or register, to be kept exclusively for such purpose; and such streets, lanes, highways and squares, when entered of record, shall be deemed to be public highways.

Provisions
to apply.

518. The provisions of article 517 shall apply with the same effect to territories annexed.

Streets
indicated
on plan to
be public
highways.

519. All the streets and highways which may be indicated and projected upon any plans or maps of the city, that may hereafter be duly confirmed by the Superior Court, or any judge thereof, shall likewise be deemed public highways and shall also be recorded in the said register.

Construc-
tion of
drains in
private
streets, etc.

520. The council may by resolution order the construction of drains in a private street or lane when the public health requires the same, and allot the cost thereof upon the proprietors as if such work had been done in the public streets of the city.

General
plan of
the city of
Montreal
to be made.

521. The city council may, through the city planning board, instruct the city surveyor to lay out, indicate, and project upon proper plans or maps, all the streets, highways, places and squares of the city, with their actual limits, and dimensions, within the whole extent of the limits of the city, and such plan when completed and confirmed by the Superior Court, as hereinafter provided,

shall be known as "The General Plan of the City of Montreal," provided however that this article shall apply only to continuations of the city plans as homologated and now in force.

522. When the said map or plan is completed, the city planning board shall submit the same to the council, and if the said plan or map shall be approved by an absolute majority of the whole council, the city attorney shall thereupon apply, by summary petition, to the Superior Court or any of the judges thereof, for the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which the said petition shall be so presented, in four newspapers, two of which must be published in the French language, and two in the English language, in the city, provided that the said notice shall have at least two insertions in each of the said newspapers, and that at least twenty days shall elapse between the date of the last insertion of the said notice and that of the presentation of the said petition.

523. No modification or addition to any judicially confirmed plan or map of the city shall have any effect unless the same shall, upon the recommendation of the city planning board, be approved by a majority of all the members of the council, at a sitting thereof; and, thereupon, the Superior Court, or any one of the judges thereof, may, upon the petition of the city, of which public notice shall be given in the manner indicated in article 522, order that the said general plan of the city be modified, or added to accordingly.

524. A copy of the general plan of the city, certified by the city surveyor, shall be deposited in the office of the prothonotary of the Superior Court, for the district of Montreal, in the office of the city clerk and in each of the registry offices of the city; and copies of all modifications or alterations of, or additions to, the said plan or map shall be certified and deposited in the same manner; and the said copies of the general plan of the city, and all modifications, alterations or additions thereto, shall be certified by the prothonotary of the said Superior Court in the following words: "Confirmed by the Superior Court, on the

day of

".

525. The city shall not hereafter be obliged, by reason of the confirmation of any plan or map of the city, or any modifications thereof, or addition thereto, to

etc., of streets indicated thereon unless so directed by Council.

carry into effect any opening, widening or extension projected or indicated thereby, unless the council shall so decide, in conformity with the provisions of this charter; nor shall the city hereafter be liable for any indemnity or damages whatever by reason merely of the confirmation of such plan, or any alteration or modification thereof, or addition thereto.

City not liable for damages, etc., after confirmation of plan, etc.

526. The city shall not be liable for any indemnity or damages claimed with respect to any building constructed, or improvements, leases or contracts made by any person whatever, upon any land or property within the lines of any street, highway, place or square so homologated, after the confirmation of any plan or map, or of any modification or alteration of, or addition thereto.

City may open streets, etc.

527. The city may open, widen and extend any street, lane, thoroughfare or public place, according to any plans prepared or which may be prepared by the city engineers and approved by the city planning board and by the council, without such plans forming part of the general plan of the city.

Said plans incorporated in general plan.

The said plans may be incorporated in the general plan of the city without it being necessary to obtain the authorization of the council required by article 523 of this charter.

Land between homologated lines not taxable.

528. Whenever the city lays out and homologates a line through vacant lots, the owners of such lots shall not pay any general or special taxes or assessments on the portion of such lots reserved for public or municipal purposes, although the city has not taken possession thereof. This provision shall also apply to vacant lots in connection with which lines have already been laid out and homologated on the plan of the city.

Application for services, etc., in or on lanes, etc.

529. When the owners of property on any lane desire a sewer, sidewalk, pavement or stone curbing, or when the property-owners in any locality desire the opening, widening, extension, or diversion of any lane, application shall be made to the city surveyor for a form of petition to the council to that effect. When such petition is signed by two-thirds in number of the owners representing more than one-half the value of the property to be benefitted by the work or improvement, the council may proceed therewith and assess the cost against the properties benefitted.

Procedure if certain proportion of signatures not obtained

If the signatures of two-thirds in number of the property-owners representing more than one-half in value of the property cannot be obtained, the petition may nevertheless be presented to the council, and if the latter, on

the recommendation of the city surveyor, finds the work is necessary and in the public interest, it may direct that it be proceeded with, unless a majority of the property-owners interested, representing more than one-half the value of the property to be assessed, petition against the same within a month after the council has given notice of its intention to proceed with such work.

Notwithstanding any petition to the contrary, the council, if it deems the same necessary in the public interest, may, by a majority vote of the whole council, order the work to be done, and assess the cost thereof upon the properties benefitted.

530. The city is authorized, by by-law or resolution of its council, to acquire by mutual agreement any immoveable on which buildings are erected between the old lines and the new homologated line of any street already partially widened. The total cost of such acquisition shall be payable by the owners of immoveables bordering upon any such street, by means of an assessment roll prepared by the city surveyor, in proportion to the extent of the frontage of such immoveables, as shown on the valuation roll, irrespective of the buildings thereon erected. The said roll, when certified by the city surveyor and filed with the city treasurer, shall be equivalent to and have the same force and effect as a final roll for a special assessment; and the amounts therein shall thereupon become due and payable within thirty days from the date of the filing of such roll.

The amount to be paid for the acquisition of such immoveables, shall in no case exceed the municipal valuation as shown on the assessment roll then in force, plus twenty per cent.

531. The council is hereby empowered to assign names to the streets, highways and squares of the city, but if any change be made by the council in the name of any street, highway or square, the city surveyor shall report such change without delay to the registrar of each division in the city.

Notice of homologation and of all changes in the plan of the city and of all changes of streets, shall be given in the same way as for the passing of a by-law.

532. Notwithstanding article 5888 of the Revised Statutes, 1909, the city of Montreal may, with the permission of the Lieutenant-Governor in Council, open streets less than sixty-six feet in width, in special and exceptional cases.

SECTION XX

EXPROPRIATIONS, ASSESSMENTS FOR SIDEWALKS, SEWERS,
AND PAVEMENTS, AND EXPROPRIATIONS OF PUBLIC
FRANCHISES.1.—*Expropriations*

Acquisition
and expro-
priation of
certain
property.

533. The city of Montreal may hereafter, even without any previous application from the proprietors or other interested parties, but on a report from the general manager of the city approved by the absolute majority of the members of the council, acquire by mutual agreement or by expropriation any immovable, part of immovable or servitude situated within the limits of its territory or outside of the same, which it may require for any municipal purposes whatsoever, including the opening, widening and extension of its streets through the territory of another municipality, and, to that end, may acquire the land it may deem suitable, by mutual agreement or by expropriation, by following the procedure indicated in this charter.

Acquisition
etc, of more
property
than needed,
etc.

The city is authorized to purchase by mutual agreement or to expropriate more than the immovables or parts of immovables required for the object in view, in order to resell the same, and to apply the proceeds of such sale, wholly or partly, either to the payment of the purchase price of such immovables or parts of immovables or to the payment of the cost of the works or improvements to be performed, provided always that the proprietors be not called upon to pay the purchase price of such immovables or parts of immovables. To expropriate a part of an immovable not required for the above purposes, the city of Montreal may do so only with the consent of the proprietor.

Compensa-
tion, what
to include.

Indemnity, in case of expropriation, shall include the actual value of the immovable, part of immovable or servitude expropriated, and the damages resulting from the expropriation; but, when fixing the indemnity to be paid, the Quebec Public Service Commission may take into consideration the increased value of the immovables from which the portion to be expropriated is to be detached, and may off-set the same by the inconvenience, loss or damages resulting from the expropriation.

Price of
property
purchased.

In the case of purchase by mutual agreement, the price which the city may pay shall be that agreed upon between the said city and the vendor.

By whom

Whenever the city shall decide to purchase any immovable, part of immovable or servitude, either by mutual

agreement or by expropriation, it shall at the same time indicate by whom the cost of such purchase shall be borne, and, for that purpose, the city is authorized to itself pay such cost and to indicate the fund against which it shall be charged, or to charge the same wholly or partly to the owners of immoveables who, in its opinion, will benefit by the proposed improvement, by means of a roll made and prepared in accordance with the provisions of article 548 of this charter.

Nothing in this article shall affect any provisions of law governing, at the time of the coming into force of this charter, any expropriation heretofore decreed or authorized, in so far as any such provisions may be inconsistent with the terms hereof.

534. Whenever only a part of an immovable is expropriated which would be reduced to less than forty feet in depth by such expropriation, the owner of the same may exact that the city acquire the whole of his lot or lots.

535. No indemnity, damages or compensation shall be paid to tenants of any land or building required in whole or in part for expropriation purposes, beyond an amount which shall not exceed the remainder of the current year and of one other year's rent of the premises occupied by them; and then only in cases where the lease is for one or more years beyond the year current at the time of the adoption by the council of the resolution for such expropriation.

The Commission may award the value of such repairs and fittings as may have been made by a tenant prior to the passing by the council of the resolution concerning the expropriation, provided that the same be not included in the valuation of the building.

No indemnity shall be allowed, in any event, to tenants whose leases shall have been made or who shall have taken possession of the premises subsequent to the resolution of the council for the said expropriation.

536. In order to come to a decision respecting such expropriation, the Quebec Public Service Commission shall proceed with all due diligence to establish the value of the land and buildings to be expropriated, including servitudes and immoveables by destination.

The judgment of said Commission shall establish the amount for which the city shall have the right to acquire the immoveables for the purposes of such expropriation.

537. The said Commission shall also hear and examine

Commission as to tenants' claims, etc. any claims of tenants or occupants or proprietors occupying their own immoveables affected by such expropriation, and shall make awards thereon in accordance with the limitations and requirements set forth in the foregoing articles.

Costs payable by city. **538.** The city is not bound to pay the fees of counsel or witnesses or any incidental costs or disbursements, for proceedings before said commission or for the withdrawal, on behalf of the persons indemnified, of the sums of money deposited in the prothonotary's office.

No indemnity recoverable for buildings erected after notice of expropriation. **539.** No indemnity or damage shall be allowed for any building, structure or improvement made upon any immovable, after notice has been given in the council of the resolution for the purpose of such expropriation, provided that such be followed by proceedings in expropriation within the year.

Indemnity to be deposited within sixty days of report, and city vested with ownership. **540.** Within sixty days from the date of the judgment of said commission, the city shall deposit with the prothonotary the amount, without interest, of the indemnity fixed by such judgment for the immoveables or rights acquired through such expropriation; and the city shall thereupon be vested with the ownership of the said immoveables or rights, and may take possession thereof without any other formalities, and the recourse of any person having any rights whatsoever to, in, or upon such immoveables is converted into a recourse upon the amount of indemnity granted.

In case of opposition may obtain warrant from Superior Court. If the expropriated party or any other person oppose the taking possession by the city, the latter may, by a mere petition presented to the Superior Court, after three days' notice to the interested party, obtain a warrant addressed to the sheriff of the district of Montreal, ordering the latter to expel him and to put the city in possession. The costs of such process shall be left to the discretion of the said court.

Title of the city as to immovable expropriated. **541.** In every expropriation, the judgment or award fixing the indemnity shall constitute the city's title to the ownership of the immovable, servitude, or right expropriated.

Effect of registration of award. The registration of a copy of or an extract from such judgment or award, certified by the depositary thereof, accompanied by the receipt or a duplicate of the receipt from the prothonotary, when the indemnity has been deposited with him, or a copy of the discharge when the indemnity has been paid to the expropriated party,

shall be sufficient to all intents and purposes without the city being obliged to have registered any other title to the property. The registrar of every registration division shall accept such documents and register them.

542. Any expropriation made in virtue of this charter shall have the effect of cancelling all mortgages, privileges and encumbrances whatsoever with which such immovables may be charged, but the price or compensation deposited in the hands of the prothonotary as aforesaid, shall be held to represent such immovables as regards such mortgages, privileges or encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the moneys deposited conformably to this charter.

543. The council may, by by-law or resolution, enact that the cost of expropriations shall be paid by annual instalments, and, in such case, the city's privileges and hypothecary rights shall hold good on the immovables liable for the cost of the expropriation, until such time as the proprietors have paid their full share of assessments.

544. Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitution or trustees, who are seized or possessed of, or interested in any immovable subject to expropriation, may (not only for themselves, but for and on behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, femmes covert or other persons) contract for, sell and convey such immovable to the city.

Such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever.

All corporations and persons contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without however diminishing, in any manner whatsoever, the responsibility of such corporations or persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances.

In such case, the price shall not be paid to the vendor until the authority of the court or judge shall have been obtained for such payment; and if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility in respect of such price, by paying the same into the hands of the prothonotary of the Superior Court for the benefit of whom it may concern.

Right of
corporation
to cede
titles of
the city.

545. The corporations or persons who, in virtue of article 544, have power to sell and make over any immovable to the city, shall also have power to cede to the city gratuitously, conditionally or unconditionally, such portion of said immovable as they may deem fit to be used as a street, lane, park or for any other municipal purpose.

The cessions heretofore made to the city for the purposes mentioned in the above paragraph are declared valid and legal.

Distribu-
tion of
moneys.

546. When the money is deposited in the hands of the prothonotary as aforesaid, the Superior Court, or any of the judges thereof, either in term or during the vacation and out of term, shall determine the mode of calling in the creditors of the party entitled to such money or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested, provided always that, when the price or compensation and damages are paid to the expropriated party himself, the amount so paid shall not be subject to the tax imposed by and in virtue of the act 12 Victoria, chapter 112 (see Revised Statutes, 1909, articles 3551, 3553 and 3555), nor to the commission which the prothonotary of the Superior Court is entitled to receive, nor to any other tax or commission.

Proviso.

Procedure,
if indemnity
does not
exceed one
hundred
dollars.

If, however, the amount of indemnity does not exceed one hundred dollars, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party.

Deposits are
judicial
deposits.

547. The deposits mentioned in article 546 shall be judicial deposits within the meaning of section twenty-fourth of chapter fifth of title fourth of the Revised Statutes, 1909, (articles 1480 and following).

Apportion-
ment of
cost of ex-
propriation.

548. The sums to be apportioned among the proprietors for the payment of the cost of an expropriation, or of the construction of a sewer, of a sidewalk or other improvement or permanent work, shall be apportioned by means of a roll prepared by the city surveyor or by any other official appointed by the council.

Basis of ap-
portionment.

Such apportionment shall be made amongst the proprietors in proportion to the extent of the frontage or of the depth, as the case may be, of their properties, as shown on the assessment roll.

Notice of

The city surveyor or the official appointed by the

council, as the case may be, shall give public notice that the roll has been deposited, and shall fix the day when the proprietors liable for the payment of the contribution may submit their objections before the roll is completed and put in force. Such notice shall be published during two days in a French and in an English newspaper, published in the city, provided there be a delay of eight days between the last publication and the day fixed for the examination of the roll, and, during such delay, the contributors may examine the roll.

The city surveyor or the official appointed by the council, as the case may be, shall hear and summarily determine all the objections which may be made, and there shall be no appeal from his decision. The roll shall then be signed by the said city surveyor or official, and shall thereupon be in force.

The amount due in virtue of such apportionment shall be recoverable in the same manner as other taxes and assessments.

549. Every roll of apportionment of the cost of any expropriation, in all cases not specially provided for, shall be made in accordance with the provisions of article 548 of this charter.

550. Unless otherwise provided, every assessment or special tax on immoveables exigible in virtue of a roll made out in accordance with the provisions of article 548, is payable within ten days from the coming into force of such roll, without other notice.

551. The council may, at any time, by by-law or resolution, order that any immoveable property upon which no buildings are erected, situated and lying between the old line and the new homologated line of any street, shall be expropriated, upon the proprietor of such immoveable property ceding in writing to the city the portion of land belonging to him so to be expropriated, and of which the city surveyor shall at once make a plan.

The council shall then appoint two of the city assessors to value the portion of land so ceded to the city. They shall value it at the price entered in the valuation roll for the current year, and shall report in writing to the council. On the confirmation of their report by the council, it shall be referred to the city surveyor and the said two city assessors, with instructions to apportion one half of the cost of the land expropriated on the lands only on each side of the street, within the limits to be fixed by them according to frontage in equal proportions. The other half of the

cost of such expropriation shall be borne by the city. The proprietors taxed shall have the right to make payments of such assessments in five equal annual payments, with interest on the unpaid balance at the rate provided in section 503 hereof.

Application. The foregoing provisions shall apply to all future expropriations, and also to those made or commenced since January 1st, 1914; and also to those made previously, but of which the assessment rolls were prepared since said January 1st, 1914, and the assessment rolls shall be corrected accordingly.

Effect of roll of apportionment. The roll of apportionment, when certified by the city surveyor and the said two city assessors, and filed with the city treasurer, shall be equivalent to and have the same force and effect as a final roll of special assessment.

Payment for expropriated property. The proprietor whose land has been expropriated shall be paid therefor without interest, within three months from the date of the deposit of the roll. But in the event of there being any hypothec or privileged claim on the immoveables expropriated, then the provisions of articles 540, 541, 542, 544, 546 and 547 of the charter shall apply, except where the same may be inconsistent.

Temporary bonds. In order to pay the cost of the expropriation, the city shall have the right to issue temporary bonds in conformity with article 427 of this charter, and this right shall extend to all expropriations of the same nature which may be effected or which shall not have been settled at the date of the coming into force of this charter.

Expropriations, when to be made. The city shall not make any expropriation under this article before the month of May, 1922.

Exception. Nothing, however, in this section shall affect the city's right to expropriate St. Lawrence Boulevard from Bellechasse Street to Rolette Street, if it deems it expedient.

2.—*Permanent Sidewalks.*

Construction of permanent sidewalks and cost, how defrayed, etc. **552.** The council may, by resolution, order the construction of sidewalks of permanent durable materials, other than wood, in any street, square or public place in the city, and order that the cost of such construction be defrayed out of the city funds to an extent not exceeding one-half of such cost, and apportion the remainder thereof upon the land situated on the same side of such street, square or public place on which such sidewalk is constructed.

Apportionment by city surveyor. Such apportionment shall be made in proportion to the frontage of each lot, provided that no such resolution shall be adopted before the cost of such construction is estab-

lished by a report made by the city surveyor to the general manager and submitted to the council.

3.—Sewers

553. Notwithstanding any law, by-law or resolution to the contrary, the council may, by resolution, order that the special taxes imposed or to be imposed for the cost of sewers, the construction whereof was begun since the first of September, 1914, and completed before the 17th of March, 1919, shall be payable by yearly instalments, the interest being calculated at the rate of five and one-half per cent per annum, during a period not exceeding thirty years, with interest upon such instalments, after maturity, at the rate stipulated in article 503 of this charter.

The capital to be so converted into yearly instalments shall be the amount entered on the roll.

As to the rolls in force before the 17th of March, 1919, the capital to be converted into yearly instalments shall be the amount remaining payable according to the rolls with the interest accrued at the date of the resolution of the council ordering payment by yearly instalments.

The hypothecary privileges and rights of the city shall remain on the immoveables liable for the payment of such taxes until the owners have paid the same.

4.—Pavements

554. 1. Notwithstanding any law to the contrary, when the council shall decide and order by resolution the paving of any street, lane, highway, square or public place, wholly or partly, with permanent materials, declared to be such by the said council, the total cost of such paving, including the intersection of lanes, shall be paid by the proprietors of immoveables situate on such streets, lanes, highways, squares or public places or parts thereof, with the exception, however, of the paving of the intersections of streets, which shall be paid by the city out of the loan fund.

2. A roll shall be prepared for such purpose by the city surveyor, and reported to the general manager, and the cost of such paving shall be apportioned among such proprietors proportionately to the width of their immoveables as shown on the valuation roll.

3. The general manager shall give eight days' notice of the day when the proprietors bound to pay such special assessment may examine such apportionment and submit their objections before the roll is completed and put in

force. Such notice shall be published during two days in a French and in an English newspaper.

Hearing,
etc., by the
general
manager, etc.

4. The general manager shall hear and summarily decide all objections that may be made, and there shall be no appeal from his decision. The roll shall then be signed by him and shall thereupon come into force.

Collection
of appor-
tionment.

5. The amount due under such apportionment shall be collected from the said proprietors, and recoverable in the same manner as other taxes and assessments on immoveables.

Payment
by instal-
ments.

6. Any riparian proprietor may pay the amount of his special assessment by yearly instalments sufficient to pay off the amount for which he is liable in fifteen years, with interest at six per cent per annum until maturity, and thereafter at the rate stipulated in article 503.

Street more
than sixty-
six feet
wide:

7. When a street, highway, square or public place is over sixty-six feet wide, the cost of paving the excess shall be wholly paid by the city and charged to the loan fund.

Mainte-
nance of
certain
pavements.
Proprietors
may object
to paving
in certain
cases.

8. The pavement to be laid as aforesaid shall be maintained and repaired in future by the city forever.

Whenever the council shall decide to pave a street or part of street on which less than fifty per cent of the lots are built upon, the majority, in number and value, of the proprietors on said street, or part of street, may object to the paving thereof, by means of a petition addressed to the said council within thirty days from the date on which they have been apprised of the intention of the city to have such street or part of street paved, and, in such case, the paving shall not be laid.

Construc-
tions of
sewers
while
streets
being paved.

555. Before paving a street or part of a street with permanent materials, including macadam and asphalt, and before making sidewalks in permanent materials, the city shall fix a delay, which shall not be less than sixty days, during which the proprietors of land bordering on the street must construct their private drains and connect them with the public sewer in the street, and during which all companies or corporations having franchises in connection with the streets, must lay, renew, or repair, if necessary, the gas pipes or underground conduits with the connections as far as the line of the street.

Construc-
tion of
sewers.

If the proprietors fail to construct their private drains as aforesaid, the city may construct them at their expense as far as the line of the street, and recover from each of them the amount spent for such purpose, by means of a special tax imposed in accordance with the provisions respecting taxes for sewers.

If the said companies or corporations fail to lay their pipes or other underground conduits or to renew or repair them as aforesaid within the said delay, they shall be liable for the cost of remaking the pavement or sidewalk which they break in doing such work, and for the cost of keeping the portion of the pavement or sidewalk so repaired, in order, during a period of three years.

Responsi-
bility of
companies.

5.—General Provisions

556. Saving any case where it is otherwise provided by this charter, the council may, by resolution, enact that any assessment levied to pay the cost of an expropriation, or of the construction of sidewalks, pavements, drains or sewers, may be paid by annual instalments covering a period not exceeding ten years, with interest at the rate stipulated in article 503 on any balance remaining unpaid; and in such case the privileges and hypothecary rights of the city shall continue to exist on the immovables liable for the payment of such assessment, until the proprietors have paid in full their share of such contribution.

How costs of
sidewalk
construction
are paid.

This provision shall also apply to all the expropriations specially authorized or ordered by law.

Application
of this
article.

557. If when this charter comes into force, or thereafter, there should exist any clerical error, omission or informality in any proceedings in expropriation, or in the making of any roll of assessment prepared for the cost of any improvement, the Superior Court or one of the judges thereof may, upon a petition to that effect, permit, in its discretion, the rectification of such error, omission or informality upon such conditions as to costs as it may order.

Amend-
ment of clerical errors,
etc., in
proceedings
in expro-
priation, etc.

558. Without prejudice to the provisions of article 557, but subject to the provisions of articles 560 and 561, the council may, by resolution, annul any special or general assessment or apportionment roll illegally prepared, and order that a new roll be made to replace the one which has been annulled.

Annulment
of certain
assessment
rolls.

559. When any judgment or award made under the provisions of this section is annulled by competent authority, the city may cause a new judgment or award to be made.

New judg-
ment, etc.,
if first
annulled.

All the provisions of this charter, with respect to the making and revision of any such award or judgment and to all matters incidental thereto, shall apply to such new award; provided always that proceedings for the making of any

Provisions
applicable.

new award shall be commenced within six months from the date of annulment of the previous award.

Proceedings
when any
special
assessment
annulled.

560. If any special assessment or apportionment made by the city surveyor or by any other officer appointed by the council is annulled by competent authority, the said surveyor or other officer appointed by the council, as the case may be, shall make another assessment or apportionment for the same purpose in the manner herein-above provided; and the same, when completed and revised, shall have full force and effect.

Payments
under
annulled
roll.

561. Whenever a roll of assessment or apportionment shall be annulled and set aside, the payments made in virtue of such roll shall not thereby be invalidated, but such payment, with interest added, shall go to the discharge of the amounts fixed by the new roll of assessment or apportionment; provided, however, that the ratepayers shall make good any deficiency or recover any surplus, according to the difference that may eventually exist between the old and the new roll of assessment or apportionment.

Application
of this
provision.

This provision shall apply both to the rolls heretofore made and to those which may be made hereafter.

SECTION XXI

PUBLIC UTILITIES AND FRANCHISES

Power to
expropriate
public
franchises
in certain
cases.

562. Whenever any municipal franchise expires by limitation of time, or whenever such franchise or rights to use the streets of the city is not exercised during a period of five years after the same has been acquired by any corporation, firm or person, if it be deemed advisable by the council that the city should own and administer any or all such municipal franchises, rights and privileges for the heating or lighting of the city or any of the buildings therein by gas, electricity or other agencies, or for the use of streets, lanes or highways of the city, for railway traction, conduit, telegraphic, telephonic or any other purposes whatsoever, no matter by whom the said franchises, rights and privileges may be possessed, owned or controlled, the city may acquire the same by voluntary purchase or other agreement, and if they are not acquired by such voluntary purchase or agreement, then they may be acquired by expropriation in accordance with the provisions of the law in that behalf, either after or without any step or proceeding being taken towards any acquisition by voluntary agreement.

563. Every by-law of a municipal corporation on the island of Montreal granting a right, franchise or privilege for a period of time exceeding ten years, shall be sanctioned by the Lieutenant-Governor in Council, and such sanction shall not be given until after a notice of fifteen days has been sent to the city of Montreal and a copy of such by-law has been forwarded to the said city at the same time.

564. The city may acquire by by-law, and by expropriation, as a going concern, the whole of the undertaking and working plant of the Montreal Water and Power Company, with all the active and passive servitudes belonging to said company either under contract or agreement entered into between the latter and any companies, corporations, firms or persons, in the said city or elsewhere in this country or abroad, as well as all the powers, rights and actions which the said company may have acquired by charter from Parliament or the Legislatures, so as to transfer to the said city all its moveable and immoveable properties reservoirs, canals, pipes, sewers, and all its property generally whatsoever, constituting the assets and liabilities of such company, and to allow the said city to exercise all the rights, actions, borrowing powers, issues of stock, bonds, and subscriptions of municipalities and other public bodies, belonging to said company, either under the aforesaid charters or under agreements entered into as aforesaid, and also, after the expropriation or acquisition thereof, to supply water to the municipalities which have not been annexed to the city and are not now provided with a water-works system and to the inhabitants thereof for a consideration, under the terms of the charter of the said company; and the city is authorized to borrow for such purpose, for the period of forty years, with a sinking fund, a sum not exceeding the amount of the arbitrators' award and of the costs and expenses.

Without prejudice to the said right of expropriation, and as an alternative measure and to avoid the necessity of such expropriation, the city is further authorized to acquire by purchase, after a report of valuers, made according to this article and determining the total amount to be paid and liabilities to be assumed by the city for the said property, has been laid before the council and adopted by by-law, the shares in the capital stock of the Montreal Water and Power Company; and as soon as the city shall have acquired not less than ninety-five per cent of the total issued stock of the company, the city is then authorized to expropriate any shares remaining.

Loan authorized. The city is further authorized to borrow, for such purpose, a sum not exceeding one million and twenty thousand dollars for a period of forty years, with a sinking-fund.

Arbitrators. Should the city make the acquisition provided for by this article by means of expropriation, the value of such acquisition shall be estimated by arbitrators appointed as follows: one by the city, one by the company and a third by the two former or, if they cannot agree, by a judge of the Superior Court.

Contracts to be carried out. In any case, the city shall respect and carry out the contracts of the company and the individual agreements entered into between the said company and the other municipalities now served by it.

Erection, etc. of electrical works. **565.** The city is authorized to erect, purchase or otherwise acquire and operate works for producing electricity by the incineration of garbage or by means of coal or by means of water-power, and to manufacture and purchase electricity for lighting the streets, parks and public squares of the city as well as the various municipal buildings, and generally for all other purposes for which the city may require electric power.

Issue of bonds, etc. To obtain the necessary funds for carrying out the powers conferred on it by this article, the city is authorized to issue bonds, debentures or inscribed stock to the amount of two million dollars.

Approval of property-owners. The powers and loan authorized by this article shall be subject to the previously obtained approval of the property-owners.

The loan authorized by this article shall not form part of the funded debt of the city.

Construction, etc., of underground conduits. **566.** The city is authorized to construct, administer and maintain, with the right to regulate the use thereof, a system of underground conduits, wherein shall be placed all telegraph, telephone, electric light and power wires, street railway feeder and other lines (exclusive of trolley wires), and cables and transmission lines belonging to any person, firm, syndicate, company or corporation, now or in future having or exercising rights or privileges in, on or above the streets, public or private lanes, thoroughfares or other places; such conduits to be of sufficient size and capacity not only to fulfil the present requirements, but to provide to a reasonable extent for future requirements.

Information to city re underground conduits. As the city decides to construct underground conduits in any part of the city, the said companies, persons, firms, syndicates or corporations shall, upon notification, furnish such necessary information as may be asked for by the

city, and shall state what portion of the underground conduits they wish to reserve.

The city is authorized to impose a fine of twenty-five ^{Fine in} dollars for each day any such company remains in de- ^{certain case.} fault after sixty days from the date of such notification.

This article shall not be interpreted as allowing the city ^{Proviso.} to administer the installations of the various companies.

567. As the city shall construct such underground con- ^{Removal of} duits, or portions of the same, in certain streets, or portions ^{overhead} of streets, public or private lanes, thoroughfares or other ^{wires, etc.} places, the council may compel the persons, firms, syndicates, companies or corporations having, operating or maintaining overhead wires or cables, poles and transmission lines, to remove the said overhead wires and cables, poles and transmissions lines (exclusive of trolley wires); and only suitable conductors shall be installed in such underground conduit system, in the manner specified by the council.

Should any person, firm, syndicate, company or corpora- ^{Appeal to} tion refuse to place such wires in the said underground ^{Public} conduits in the streets, lanes or public squares where he or ^{Service} it previously had overhead wires, an appeal shall lie to the ^{Commission} Quebec Public Service Commission, which may compel ^{etc.} him or it to do so if said Commission considers it reasonable.

Separate openings or separate compartments in the ^{Separate} opening shall be given to each company or person using ^{Public} the said conduits when asked for, and provided the same ^{Service} be practicable. If the electrical commission of the city of ^{Commission} Montreal should refuse separate openings to any person or ^{etc.} company generally or in particular cases, an appeal shall lie to the Quebec Public Service Commssion, which shall decide the question and determine who shall bear the costs.

The conduits shall be so constructed that a permanent ^{Conduits} wall of brick or other non-conducting material shall ^{how} separate completely and effectively that part of the con- ^{constructed.} duits in which the electric light or power wires are placed, from that part in which the telegraph, telephone and signal wires are carried; and the entrance to each part of the conduit shall be by separate manhole openings.

Notwithstanding the foregoing provisions, the Quebec ^{Variation in} Public Service Commission may, at the request of the ^{construction} electrical commission of the city of Montreal, permit a ^{of under-} different kind of construction from that indicated above; ^{ground} and the underground conduits, already constructed in a ^{conduits} different manner from that indicated above, shall be deemed ^{may be} for all legal purposes to have been legally made. ^{allowed.}

568. Notwithstanding any law to the contrary, neither ^{Planting of}

poles, etc.,
on certain
streets,
forbidden.

the city nor any person, firm, syndicate, company or corporation shall hereafter have any right to plant poles or string wires, or cables; and no person, firm, syndicate, company or corporation, except the city of Montreal, shall have the right to construct underground conduits in or across the streets, parts of streets, public squares or thoroughfares, where municipal conduits have been or are being built; nor shall the city council have the authority to grant any such rights to any one whomsoever, excepting for trolley poles, street-lamp poles, and such distribution poles as may be found necessary by the city.

Compensation for
removal of
poles, etc.

569. Whenever the city shall have ordered the removal of poles, wires and overhead constructions, compensation shall be awarded the owners of such poles, wires and overhead constructions for the real value, at such time, of the materials, including the installation so expropriated, such compensation to be determined as set forth in article 571 of this charter. After such compensation has been paid, the said poles, wires and overhead constructions and all materials expropriated shall become the absolute property of the city, which shall have them removed.

Taking
over by
city of
certain
conduits,
etc.

570. Whenever the city has decided to place the electric service underground in any streets, lanes, public squares or places, or portions thereof, it shall take over the existing underground conduits in such streets, lanes, public squares or places or portions thereof, owned or operated by any person, firm, syndicate, company or corporation, and shall pay reasonable compensation for such underground conduits and also for cables and appurtenances so rendered useless.

To become
city's property after
expropriation, etc.

After such compensation has been paid, the underground conduits and all materials so expropriated shall become the absolute property of the city. The compensation for the conduits and materials shall be determined as set forth in article 571 of this charter.

Electrical
Commission.

571. All compensation shall be fixed and determined by the electrical commission of the city of Montreal.

Hearing,
etc., by
commission.

The said commission shall hear the interested parties and give their award within four months, unless such delay be extended by the said commission. The decision of the majority of the commission shall be final and binding upon the city and upon such persons, firms, syndicates, companies or corporations, notwithstanding any provisions to the contrary in this charter or in any other act.

572. The city is authorized to determine the method and means of connecting the main trunk lines with the distributing lines and of making the service connections. It may construct, administer and maintain distributing ducts, charging a rental therefor to be determined as hereinafter set forth, or it may allow the persons, firms, syndicates, companies or corporations to construct their own distributing ducts under the supervision and with the approval of the council, and delegate to them, in particular instances, its powers granted by this charter by previous acts.

Connection of main trunk lines with distributing lines, etc.
Construction, etc., of ducts, etc.

573. The city is authorized to fix, determine, charge and receive rentals on all underground constructions reserved by the persons, firms, syndicates, companies or corporations, and all overhead constructions owned by the city. Such rentals shall be fixed from year to year, to cover the cost of maintenance and administration of the same, the interest and sinking-fund, calculated in such manner as to extinguish the debt in not less than forty years on the capital invested by the city for the construction or purchase of such underground conduits, as well as the salaries and expenses of the electrical commission. When the said debt has been extinguished, the rental shall no longer include the interest and sinking-fund on the extinguished debt; but the amount of such rentals for each person or company shall be in proportion to the portion of the conduits occupied or reserved by him or it.

Fixing, etc., of underground constructions, etc.

Tenders shall be called for for the construction of the said conduits, and any company coming under the operation of this section may tender for the construction of the said conduits, and an appeal shall lie from the acceptance of such tender to the Quebec Public Service Commission.

Tenders for construction of conduits, etc.

574. The city is authorized to enter in and upon any private property, including lanes, courts, yards and buildings, for the purpose of placing overhead or underground wires with their appurtenances, without the consent of the proprietors thereof; but compensation shall be given for all real damages caused by the work done or in consequence of such obstructions.

Entering on private property to place wires, etc.

Such compensation shall be fixed by the electrical commission of the city of Montreal. In the event, however, of the interested proprietors refusing to accept the compensation granted, the said proprietors may apply, for the fixing of such compensation, to the Quebec Public Service Commission, in the manner provided and within the delay fixed by article 579 of this charter.

Fixing of compensation, etc.

Expenses
to be
charged
to certain
loan fund.

All expenses incurred in virtue of this article, as well as the cost of any overhead line, may be charged to the loan fund authorized by article 575, and shall form part of the capital devoted by the city to the construction of underground conduits; but the cost of the construction of the said overhead lines shall be borne by the persons or companies using the same, in such manner, within such delay and in such proportions as may be determined by the electrical commission of the city of Montreal.

Issue of
bonds, etc.,
re conduit
system:

575. The city council, in order to provide funds for the compensation payable in consequence of the expropriations and for the construction, establishment, administration and maintenance of the said conduit system, may issue bonds, debentures, or inscribed stock, to the amount of five million dollars, in the manner prescribed by article 403 of this charter.

High tension
conduits
may be
allowed by
Elect.
Commis.

Notwithstanding the above provisions, the electrical commission of the city of Montreal may, with the consent of the city, allow public utility companies to construct, maintain and keep in repair, for their use and at their expense, underground conduits which shall serve only for installing high tension or power transmission wires or cables, which wires and cables must carry at least ten thousand volts, and may indicate the streets and places in streets where such underground conduits may be constructed.

Plans and
specifica-
tions to be
approved.

Such underground conduits may be constructed only after the plans and specifications in connection therewith have been approved by the electrical commission of the city of Montreal, which shall also have the right to determine the levels at which the conduits shall be placed and their mode of construction.

Also addi-
tions, etc.

Any addition, alteration or repairs in connection with the underground conduits constructed under this article, must be previously approved by the electrical commission.

City not
obliged to
expropriate
certain
conduits.

The city shall never be obliged to expropriate such underground conduits, and it shall likewise never be obliged to expropriate any underground conduits now existing and containing wires or cables of ten thousand volts or over.

Electrical
Commission
of the city of
Montreal.

576. To carry out this undertaking the city shall adopt a by-law providing for the appointment of a commission to be known as "The Electrical Commission of the City of Montreal". Such commission shall exercise all the rights of the city as they are delegated to it by the council, for the purpose of this undertaking.

Such commission shall consist of three competent engineers, as hereafter provided, who may prepare and draw up complete plans, drawings and specifications of underground conduits for the districts, streets or sections of streets, and portions of the city of Montreal, in which the commission shall decide from time to time, at its discretion, to construct underground conduits, and the plans, drawings and specifications may be submitted, as soon as they are prepared and drawn up, to the approval of the Quebec Public Service Commission, which may, after hearing the interested parties, approve and adopt or amend the said plans, drawings and specifications.

The commission of engineers charged with the preparation of such plans, drawings and specifications shall be appointed as follows, one member shall be appointed by the city of Montreal, another by the companies having the right, under a charter, to put up poles and wires in the city of Montreal, and which, within a delay of one month from a public notice published in an English and in a French newspaper, register a notice of such right in the office of the clerk of the city of Montreal, each company to have a vote in the appointment of such engineer; and the third member shall be appointed by the Quebec Public Service Commission.

Whenever the persons, firms, syndicates, companies or corporations do not comply with the provisions of the foregoing paragraph, the city shall apply to a judge of the Superior Court and request him to appoint the third commissioner to represent the persons, firms, syndicates, companies or corporations.

577. Such commission shall draw up rules and regulations respecting the use, management and maintenance of such conduits, which rules and regulations, when approved or amended by the Quebec Public Service Commission, shall have full force and effect.

As soon as the said plans, drawings and specifications of the underground conduits and the rules and regulations mentioned in article 576 are approved by the Quebec Public Service Commission, and the tender or tenders for the construction of any part of the underground conduits are submitted to the electrical commission of the city of Montreal, which shall report to the city on the said tenders, and the contract or contracts for such construction are given out by the city of Montreal, the electrical commission of the city of Montreal shall alone have the direction and supervision of the construction, management and maintenance of the said underground conduits.

Salaries of
commis-
sioners.

578. The salaries of the members of the said commission charged with the preparation of the plans, drawings and specifications, and rules and regulations, and with the direction and supervision of the construction and maintenance of such underground conduits, shall be fixed by the city subject to the approval of the Quebec Public Service Commission, after hearing the interested parties.

Vacancies.

Vacancies occurring in the said commission shall be filled in the same manner as the appointment was first made.

Appeal to
Quebec
Public
Service
Commis-
sion.

579. An appeal shall lie to the Quebec Public Service Commission by the city of Montreal, or by the persons and companies interested, from any rule and regulation or from any decision rendered and any act done by the electrical commission of the city of Montreal, or by the city of Montreal.

Delay to
take appeal.
etc.

Such appeal shall, nevertheless, be taken within thirty days from the date of the service on the interested party or of the publication in an English and in a French newspaper published in the city, of a notice stating that such rule or regulation has been adopted, such decision rendered or such act performed by the said electrical commission of the city of Montreal, and no appeal shall lie after such delay.

Appeal,
how taken.

The appeal shall be taken by an inscription filed in the hands of the secretary of the Quebec Public Service Commission, and notice thereof shall be served upon the adverse party or upon his attorney.

Notice to
city by
certain
companies.

580. Notwithstanding any law to the contrary, no person, company or corporation exercising franchises or having acquired rights, shall do any work in the streets of the city of Montreal, or lay rails, put up wires or poles or construct conduits, without giving notice to the city and unless such work be done under the direction, in the manner and in the places indicated by the city surveyor, namely, in any street, lane or thoroughfare; and the city shall always have the right to compel such persons and companies to remove their overhead wires and cables, poles and transmission lines, as provided by this charter.

City may
manufac-
ture, etc.,
gas, etc.

581. 1. The city may manufacture, purchase or otherwise acquire and in any manner whatsoever dispose of gas for light, heat or motive power as well as all kinds of apparatus and articles connected with such industry, and may dispose of and manufacture all by-products resulting therefrom.

2. The city may acquire all the property required in connection with such industry by purchase, lease, expropriation or otherwise, and may construct, purchase or lease all buildings, apparatus, plant and machinery which it may deem advisable to have or to use for such purpose, and it may, at its discretion, sell, lease or dispose of the same, in whole or in part. May purchase, etc., property thereof.

3. The city may lease and operate the works or undertakings, in whole or in part, of any person, firm, company, syndicate or corporation carrying on or authorized to carry on any business connected with gas for light, heat or motive power within the limits of the territory of the city. And lease and operate works.

4. The city may, for the purpose of the manufacture and sale of gas and its by-products, exercise the franchise and rights, conferred by charter, upon any person, firm, company, syndicate or corporation, among others, upon the company known as "The Montreal Gas Company", whose franchises, business, undertakings, buildings, apparatus, plant, machinery or immoveables as a whole, as a going concern, it may acquire by lease, purchase or expropriation. And exercise franchise, etc., of Montreal Gas Co., etc.

5. The city may supply gas for light, heat or motive power to the citizens or inhabitants, within the limits of its present territory or of any other territory which it may acquire hereafter by annexation; it may also fix by by-law the price or rate for the gas which it will supply. And supply gas to citizens.

6. The city, in order to obtain the funds required for the establishment of the aforesaid industry, may issue bonds or debentures covering a period not exceeding forty years, to be computed from the date of issue, or may raise a special loan with sinking-fund for the amount which the council may deem necessary;—the whole as shall be provided by a by-law adopted by the affirmative vote of the absolute majority of all the members of its council. And issue bonds, etc.

7. The powers and loans authorized by this article shall be subject to the previously obtained approval of the property-owners according to the articles relating thereto. Approval of property-owners.

582. The city is authorized to acquire, in whole or in part, by mutual agreement or by expropriation following the procedure set forth in articles 7581 and following of the Revised Statutes, 1909, all lands, buildings, machinery and accessories possessed by companies or individuals within the city and utilized for abattoirs, rendering establishments, knockers' yards or establishments where carrion, remains of animals, refuse from Authorization to acquire abattoirs, etc.

butchers' shops and kitchen refuse are dealt with, or where tallow is rendered, and bones and other animal matter are burned.

Loan
authorized.

583. The city is authorized to borrow the necessary money for the purposes mentioned in article 582 for a term not exceeding forty years, and the loans effected under this article shall not form part of the city's funded debt, but shall be redeemed by means of a sinking-fund sufficient to pay them off at maturity.

SECTION XXII

WATER-WORKS

Construc-
tion of
water-
works by
city and
powers
for that
purpose.

584. The city may construct and maintain in and beyond the city for a distance of thirty miles, water-works, together with all appurtenances and accessories necessary to introduce, and convey throughout the city and parts adjacent, a sufficient quantity of good and wholesome water, for the use and supply of the inhabitants of Montreal and parts thereto adjacent; improve, alter or remove the said water-works, or any part thereof; change the site of the hydraulic wheels, engines or source of supply thereof; and construct and maintain all buildings, wheels, engines, reservoirs, basins and other works necessary to convey water to the city and parts adjacent thereto.

Acquisition
of land,
etc.

585. For the said purposes, the city may acquire and hold any land, servitude, or usufruct, in the city or within a circuit of thirty miles from the city limits; 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 in whole or in part, and direct the works when completed; enter, during day-time, upon the lands of private individuals for the purposes aforesaid, and make excavations, and take and remove soil, rubbish, trees, roots, sand, gravel, or other materials, upon paying or offering a reasonable compensation for such materials, and by conforming in all things to the provisions hereinafter made.

Expro-
priation.

586. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immovable property for water-works or for any of the purposes mentioned in article 585, either within or without the city limits, or for the right of way through such property, or any servitude thereon, the same may be acquired

by expropriation in the manner provided by this charter with respect to expropriation generally.

587. The city may, for the purpose of its water-works, take possession, whenever it shall consider it advisable, of any land built upon or vacant, without having acquired the same, by previously giving to the proprietors of such land eight days notice in writing; but it shall proceed with all due diligence to acquire such land. If within sixty days following the expiry of the delay of eight days, the city does not begin proceedings in expropriation of such land of which it has so taken possession, it may be compelled by *mandamus* to do so.

City may take possession of land. Notice. If City may be compelled to expropriate.

In all cases it shall pay to the proprietors interest on the indemnities which shall be granted, from the date of the taking possession.

588. The city may enter upon any land or property, street, lane or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

City may enter upon land.

589. No action or suit shall lie against the city for damages resulting from the exercise of the powers conferred upon it by articles 585, 586, 587 and 588, unless such action or suit shall be instituted within six months next after the act complained of.

Right of action for damages prescribed.

590. If any person obstructs or prevents the city, or any person in its employ, from doing any of the said works or from exercising any of the powers and rights hereinbefore granted, or embarrasses or interrupts them in the exercise of such rights, or causes any injury in the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person shall be liable, in addition to the penalty imposed in virtue of any by-law of the city, to the damages that the city may suffer from any such act.

Penalty for obstructing, etc., works.

Such damages, with costs, shall be recovered by complaint or suit before the courts having jurisdiction in the matter.

Recovery of damages.

591. The council shall have full power to make by-laws for the following purposes:

By-laws:

1. To prohibit any occupant of a house or building supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his

To prohibit occupant of house from

- supplying water to others, etc.; own use, or from increasing the supply of water agreed upon, or from wasting it;
- To prescribe size and quality of pipes, etc.; 2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city;
- To fix tariff of rates, etc.; 3. To regulate and establish, by a tariff, the rate for water, the time and mode of payment thereof, and the manner in which the same may be imposed and levied;
- To provide for hydrometers, etc.; 4. To provide for hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein; to fix the amount to be paid therefor and the manner in which the same may be paid;
- To prevent pollution of water, etc.; 5. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the city, with regard to the supply of water from the water-works;
- To provide for payment of water-rate by instalments. 6. To provide that the water-rate shall be due and payable by instalments after the coming into force of the assessment roll each year, and within such delays as it shall deem proper to fix;
- To provide for payment of interest on rate, etc.; 7. To provide that interest upon the arrears of water-rate shall only be due at the expiration of such said delays respectively;
- General management; 8. 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 direct, regulate or determine for the proper working of such water-works;
- Placing of stop-cocks for water, etc.; 9. To compel the owners of any building or property whatsoever to place stop-cocks for water inside their premises in a suitable and convenient place, and to allow the officers of the city to have access to such cocks at all hours of the day and night; to allow the city to turn off such cocks and to seal the same, and to impose a fine on the owner, occupant or tenant, as the case may be, if the seal be found broken or the cock open after having been turned off and sealed by the city officers.

Notice when city is ready to furnish water.

592. As soon as the city is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given, and, after such notice, all persons liable to payment of the rates in such parts of the city, whether they consent or not to receive the water, shall pay the rate fixed by the tariff.

It is forbidden, under the penalties enacted by every by-law of the city passed to that effect, for any person, company or corporation, to sell or supply water in the city.

The provisions of this article shall not prejudice the ^{vested} powers already possessed by any waterworks company ^{rights not} now supplying water within the city limits, and neither ^{affected.} shall they prevent the sale, by any person whatsoever, of water to be used for drinking or domestic purposes.

593. The introduction of the water into houses or ^{Cost of} other buildings shall be performed by and at the expense ^{introduction} of the city; but the distribution of the water throughout ^{of water into} such houses or buildings, after being thus introduced there- ^{houses and} into, shall be made by and at the expense of the prop- ^{description} rietors or occupants. ^{of pipes.}

In all cases where such house or building stands at a ^{When house,} distance from the line of the street, the city shall lay the ^{etc., at a} distribution pipe to the line of the street, and shall have ^{distance} the right to exact payment of the water-rate from the ^{from line of} proprietor, although the latter may refuse or neglect to ^{street.} connect such pipe with such house or building.

594. If any proprietor refuses or neglects to make ^{If proprie-} such distribution, and the council exacts payment of the ^{tors refuses} water-rate from the tenant, then such tenant may with- ^{to make} hold from the proprietor, out of the rents to be paid for ^{distribution.} the property he occupies, the amount thus paid by him unless otherwise provided in the lease.

595. If any person causes or allows any water-pipe, ^{Water} valve, cock, cistern, water-closet, bath or other apparatus ^{supply may} to be out of repair, or to be so used or contrived that the ^{be cut off in} water supplied from the water-works be wasted, or un- ^{certain} duly consumed, or if he refuses or neglects to pay the rate ^{cases.} lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the city may cut off the water and discontinue the supply so long as the cause of complaint is not removed; which shall not, however, exempt such person from the payment of such rate, as if the water had been supplied to him without interruption.

596. The city may make a special agreement with ^{Special} consumers for the supply of water, in special cases where ^{agreement} it is considered that there is more than the ordinary con- ^{in certain} sumption of water. ^{cases.}

597. The city is authorized to enter into an agree- ^{Agreement} ment with any company or municipality for the supply of ^{for the} water, or the use and the construction of sewers, whenever ^{supply of} the said city may deem it advisable in the interest of the ^{water, etc.} inhabitants of its territory.

Separate
pipes for
each tenant,
etc.

598. The proprietor of a building leased by two or more tenants, sub-tenants or families shall be liable for the tax imposed for the water supplied such tenants, sub-tenants, or families occupying such building, unless a separate and distinct supply pipe has been put into such building by the proprietor thereof for each such tenant, sub-tenant or family occupying a separate apartment or separate apartments in such building, in such manner that the city may, at any time, control the supply of water of each of such tenants, sub-tenants or families, as in the case of buildings occupied by a single tenant.

Liability of
proprietors
of rows of
houses.

599. 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; such liability also applies to the proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling house, is such that it is impossible to provide a separate service pipe for each of them; and it shall be lawful for the city, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, sub-tenant or family.

Certain
works
united for
loan pur-
poses.

600. All works connected with the extension of the waterworks, the filtration plant or the electrical plant, shall be considered as a whole, and shall constitute but one and the same undertaking. Accordingly, all borrowing powers possessed by the city for such purposes shall be merged.

Use of such
funds.

Every loan already contracted, or to be hereafter contracted, by the city, under the powers vested in it for such purposes, may be employed without distinction, either wholly or partly, for any of the objects forming part of such undertaking, notwithstanding any provision of the by-law or act authorizing such loan.

SECTION XXIII

RECORDER'S COURT

1.—*Constitution of the Court*

Recorder's
court.

601. There shall be two recorders for the city of Montreal, and there shall be a court of record, to be called "The Recorder's Court of the city of Montreal" over which either or both of the recorders together shall preside.

The said court, however, may sit simultaneously in two

separate rooms, and it is presided over by either of the recorders.

The said court shall have its sittings in the city hall, or in such other place as may be designated for the purpose by the council.

The said court shall have an official seal.

602. The Lieutenant-Governor in Council, by special Appoint-
commission under the seal of the Province, shall appoint ment of
the recorders, whom he shall select from among the mem- recorders.
bers of the Bar of the Province who have practised as
such for at least five years, to fill the office of recorder.

The recorders shall hold office during good behaviour, The term of
and their commission cannot be revoked except upon joint office.
address of the Legislative Council and Legislative Assem-
bly to the Lieutenant-Governor in Council.

The salary of each of the recorders shall be seven thousand Salary.
dollars per annum.

If a recorder of the city, after fifteen years' service as Pension of
such, should resign his office, or if, while in office, he be- recorders.
come afflicted with any permanent or chronic infirmity
preventing him from discharging the duties of his office,
the city shall grant him a pension equal to three-fourths
of the salary he received at the time of his retirement; and
such pension, which shall begin immediately on his retire-
ment, shall be paid him during his life-time and shall be
exempt from seizure.

In computing the years conferring the right to a pension, Computa-
account shall be taken of the years when a recorder of the tion of years.
city has acted as recorder of a municipality afterwards
annexed to the city of Montreal.

603. Whenever, by reason of illness or absence or Acting-
any other cause, a recorder is unable to perform his duties, recorder.
the Lieutenant-Governor in Council may appoint an
acting-recorder chosen from among the members of the
Bar of the Province who have practised their profession
for at least five years, to perform the duties and have the
jurisdiction allotted to the recorder's court and to such
recorder, while such recorder is unable to act.

The remuneration of the acting-recorder or of the police Salary of
magistrate acting instead of the recorder under article acting-
3290 of the Revised Statutes, 1909, shall be ten dollars recorder, etc.
per day, and shall be payable by the city.

604. The clerk of the recorder's court shall be ap-Clerk of

recorder's
court.

pointed by the council; he shall be a member of the Bar of the Province of Quebec, and shall be *ex officio* a justice of the peace in and for the district of Montreal.

He shall be the custodian of the official seal of the said court.

Duties of
clerk.

605. The clerk shall prepare and make all summonses, writs, warrants or orders whatsoever that may be issued by the said court or by the recorder.

He shall conduct all cases and suits cognizable by the said court or the recorder, except in cases where the city or parties to suits shall deem it expedient to be represented by an advocate of their own selection.

Oath of
office of
clerk and
assistants.

606. The clerk and his assistants shall take oath of office before the recorder for the faithful performance of their duties; and the said oath shall be written in the document appointing such clerk or his assistants, and shall be subscribed to by them.

In case of
clerk's
death.

607. In the event of the death of the clerk, the recorder shall appoint one of the assistant-clerks to act as clerk until another clerk is appointed by the council.

Bailiffs of
recorder's
court.

608. The recorder, with the approval of the council, may, from time to time, appoint as many bailiffs of the recorder's court as he may deem expedient, and may, with the same approval, dismiss them.

Oath.

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.

Services of
constables.

The recorder shall also have the right to invoke the services of the constables of the city in the interests of justice.

Appoint-
ment of
more than
two re-
corders.

609. Notwithstanding any law to the contrary, more than two recorders for the city of Montreal and more than one clerk of the recorder's court may, on a resolution by an absolute majority of the council, be appointed by the Lieutenant-Governor in Council in the case of the recorders, and by the city council in the case of the clerks, and they shall have the same powers as the recorders and clerk appointed under articles 602 and 604 respectively.

Salary of
additional
recorders.

The salary of the recorder appointed under the present article, shall be three thousand dollars per annum, with an annual increase of two hundred dollars until it reaches four thousand dollars.

2.—*Jurisdiction*

610. Each recorder is *ex-officio* a justice of the peace Powers of
in and for the district of Montreal, and is vested with all recorders.
the rights, powers and authority of the recorder's court,
and of one or two justices of the peace with jurisdiction
throughout the Province of Quebec, as granted to certain
justices of the peace by article 3361 of the Revised Statutes,
1909.

611. The recorder's court has the jurisdiction of a re-Jurisdiction
corder, and shall hear and try summarily: of record-
er's court.

1. Any action brought in virtue of any by-law or resolu-Collection
tion of the council for the recovery of any sum of money of taxes;
due to the city for any assessment, license, tax, 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;

2. Any action for the recovery of wages or salary, Recovery
arising from the lease and hire of work, or for the recovery of wages;
of damages resulting therefrom, or for money due hotels,
restaurants or boarding-houses by their guests, or for the
value of goods therein deposited and therein lost or dam-
aged, provided that in no case shall the amount claimed
exceed fifty dollars;

3. Any action for the enforcement of any by-law; Enforcement
of by-law;

4. Any action for the recovery of taxes, assessments, Recovery
license fees, personal taxes and water-rates due at the time of taxes.
of the annexation of any municipality or part of a muni-
cipality to the city of Montreal.

612. The judgments of the recorder's court for Judgments
arrears of taxes shall be executory against any immoveable, of recorder's
and the sheriff shall proceed to the sale of such immove- court for
able as if the judgment in each case had been rendered taxes.
by the Superior Court. In such case articles 1146, 1147 and
1148 of the Code of Civil Procedure shall apply *mutatis*
mutandis.

613. The recorder's court has concurrent jurisdic-Concurrent
tion with the Circuit Court, or with any judge of the jurisdiction
Superior Court, in matters between lessor and lessee, in actions
and has, to that end, all necessary powers and authority, between
including that of issuing writs of summons, execution and lessor and
possession, and of fixing and determining the costs to be lessee.
paid by the losing party, which costs, however, shall not
include any attorney's fees; provided, always, that the Proviso.
jurisdiction of the recorder's court shall be limited to

cases where the amount claimed shall not exceed fifty dollars and where the consideration or annual value of the immoveables occupied shall not exceed the sum of one hundred dollars, and that the said immoveables be situated in the city.

Writ of
possession.

614. After judgment ordering the eviction of a tenant in virtue of article 613, 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 is vested with all the necessary authority to that effect.

Jurisdiction
of recorder's
court.

615. The recorder's court may hear and try summarily all offences mentioned in articles 3580 to 3592, inclusive, of the Revised Statutes, 1909; and article 3579 of the said Revised Statutes shall apply to the recorder *mutatis mutandis*.

The said court shall also have jurisdiction in all suits for the recovery or imposition of any fine or penalty resulting from any infraction of this charter or of any by-law of the city.

Additional
jurisdiction
of recorder's
court.

616. The recorder's court has also jurisdiction for hearing and deciding any action, whatever may be the amount or the domicile of the debtor, which the city may institute under articles 3696, 3697, 4035, 4037 and 4148 of the Revised Statutes, 1909, and the debtor may be validly summoned before such court.

3.—Procedure

Court when
held.

617. The recorder's court may be held every day, and as many times as may be necessary, and it may fix any time for the trial of cases and the rendering of judgments within its jurisdiction.

Hearing of
special cases.

The recorder may set apart a room where special cases may be heard and disposed of.

Application
of chapter
LXIII of
C. P. C.

618. The articles contained in chapter LXIII of the Code of Civil Procedure, which are not inconsistent with this charter, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the recorder's court, in civil matters.

Proceedings

619. The clerk shall register daily, in a succinct manner,

the proceedings had in each case or complaint brought before the court. in cases to be registered.

It shall not be necessary for the clerk to enter at full length the procedure, 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 procedure endorsed on the original summons or complaint shall be sufficient record thereof. Notes to be sufficient record.

620. Every summons, order, writ or warrant of any nature whatsoever, issued by the court, shall be in the name of His Majesty, His heirs or successors; they shall be signed by the recorder, by the clerk of the court, or by one of the assistant clerks. Form of writs, etc.

621. It shall be lawful for any constable, officer of the peace or bailiff of the recorder's court, to arrest on view any person contravening any law, or by-law of the said city, or, immediately after the commission of such offence, upon reliable and sufficient information as to the nature of the offence and also as to the persons who committed the same. Power of constables to arrest on view.

622. In cases tried for drunkenness, or where a person is arrested on view by a police officer or constable for any violation of the provisions contained in articles 3580 to 3592, inclusive, of the Revised Statutes, 1909, or of the provisions of this charter or of a by-law of the council, it is not 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. However, if the accused demands that the complaint be reduced to writing, the court shall direct the clerk to do so. Verbal complaint in certain cases.

623. Whenever any person is accused of an offence against the provisions of any law, or of any by-law of the council, and such person has not been apprehended 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; 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 writ, as aforesaid, or by warrant of arrest issued by the recorder upon affidavit made before him. Proceedings against persons infringing by-law. Service of writ. Proviso.

Release on bail. **624.** It shall be lawful for 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 be apprehended by warrant, to 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 the recorder's court or before the recorder.

Condition of bail. In default thereof, the bail shall be forfeited and the deposit confiscated for the benefit of the city, and the recorder may order the arrest of such accused.

Default to appear.

Service how effected. **625.** 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.

Recorder may prescribe mode of service. 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. **626.** Every bailiff, being the 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.

Service by bailiffs of Superior Court. **627.** 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 in the Superior Court 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 service in open court by officer effecting same. **628.** The service of any summons or of any other document in cases of prosecutions, as aforesaid, may be proved in open court by the bailiff, constable or peace officer who shall have made such service.

Proof before the court. **629.** In all suits brought before the recorder's court for the recovery of any sum of money or fine, or the imposition of any penalty, proof may be by legal presumption, by writing, or by testimony.

It shall not be necessary to reduce the testimony to writing.

630. The president of the court shall cause order to be maintained during the sittings of the said court, 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.

631. 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 day of return.

If the person so summoned does not appear, default may be entered against him, and, upon proof made, the court shall render judgment. Proceedings by default.

If he appears, he must plead to the action within twenty-four hours, and his pleas shall be entered or filed. Proceedings after appearance.

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 judgment.

632. In all prosecutions instituted before the recorder's court or before the recorder, other than civil actions, the provisions of part xv of the Criminal Code, respecting summary proceedings before magistrates, shall apply to the recorder's court and to the recorder, as regards the mode of procedure on such prosecutions to final conviction or judgment, the execution and carrying out of such conviction or judgment, 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 charter, and where no express provision is made in relation thereto. Procedure in criminal prosecutions.

The several forms contained in the said code may be varied in so far as may be necessary to render them applicable to the said court. Variation of forms.

633. The court has power to compel witnesses 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. Summoning of witnesses, and compelling attendance.

634. The said court has power to impose coercive im- Coercive

imprisonment. imprisonment in accordance with articles 834 to 837 of the Code of Civil Procedure.

Discretion of court as to costs and as to damages in certain cases. **635.** In all cases, the recorder's 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. **636.** 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 thereunder. **637.** The bailiff, entrusted with the writ of execution, shall proceed to the seizure and sale of such goods and chattels, in the manner prescribed by the Code of Civil Procedure.

Saisie-arrêt. **638.** The court may issue writs of *saisie-arrêt* 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, the return and judgment, in matters of *saisie-arrêt*.

Deposit on *saisie-arrêt* in hands of the city. **639.** In cases of *saisie-arrêt* served upon the city, it shall be lawful for the city treasurer to deposit in the office of the court from whence such *saisie-arrêt* has issued, the sum of money which he may have in his custody belonging or owing to the defendant, in order that such sum may be paid to whom it may appertain, as the court may order.

Certain allegation dispensed with in suits. **640.** In any suit, action or prosecution brought before the recorder's court, it is not necessary to specify or recite the statute or by-law under which such suit, action or prosecution is taken; but it is sufficient to state that it is in virtue of the statute or by-law in that behalf made.

Tariff of fees. **641.** The recorder may, with the approval of the council, make and settle the tariff of fees in all cases cognizable by and within the jurisdiction of the recorder's court, and change the same, from time to time, subject to the approval of the council.

642. Any joint partner in, or joint owner or occupier of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the city, bearing upon such joint partner in, joint owner or occupier of the said lot, house building or other immoveable in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence, may be sued alone, or conjointly with his joint partners, joint owners or joint occupiers, in the recorder's court, as may be deemed advisable, as also any agent of the said firm, joint owner or occupier. Liability of joint owners, etc.

In the suit to be instituted, it is sufficient to mention the name of such joint partner, owner, or occupier, 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, is sufficient. What is sufficient in suit in such case.

643. Saving when otherwise prescribed, any action for the recovery of any fine or the imposition of any penalty may be instituted, either by the city or by a private person in his own name. Who may issue.

644. 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 by 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 a term not exceeding two months, unless the said fine, costs as aforesaid, and damages, be paid before the expiration of the term of imprisonment; and writs shall be issued in the manner above prescribed. How recovery of fines is enforced.

645. In all cases in which a fine has been incurred by a corporation, association, or society recognized by the law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association or society 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 corporation, etc.

646. All fines sued for and recovered in the recorder's court, under this charter or any other act, statute, or by-law, now in force or to be hereafter passed, shall belong to the city and form part of its general funds, notwithstanding any law to the contrary. To whom fines belong.

647. To the council alone appertains the right to Remission.

remit the whole or part of any fine belonging to the city, or the costs of the suit in connection with the recovery of the said fine.

How made. Such remission is made in each case by a simple resolution adopted by the majority of the council, on petition to that effect, presented to the council by the person liable for such fine, and not otherwise.

Where imprisonment, to be. **648.** Whenever, in this charter or in any other act, or in any by-law, imprisonment is imposed, such imprisonment is presumed and deemed to be in the common gaol of the district of Montreal.

Variance between proof and allegation in suit, etc. **649.** In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the date, the Christian name or 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 said court may, at any time before judgment, upon request to that effect made by an interested party, direct the amending 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. **650.** 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.

Commitment to prison by recorder of insane, person, etc. **651. 1.** Whenever a person reputed insane is brought before the recorder under articles 4131 and 4132 of the Revised Statutes, 1909, or any provisions that may replace the same, the recorder may send him to prison or to a public institution, according to form I following article 4161 of the said statutes, or any form substituted therefor, or confide him to the care of any person for such period of time as may be necessary to make the enquiries required by article 4132 of the said statutes, provided that such confinement, which may be renewed, shall not exceed eight consecutive days.

Ascertaining of domicile of such persons, etc. **2.** In all cases of persons sent to public institutions as aforesaid, the recorder shall ascertain, if possible, the domicile of such persons, and a special record shall be kept showing the name of the person and his or her domicile; and a certificate stating the name and domicile of such

person shall be forwarded to the institution receiving said person. Residence of at least six months in the city shall be necessary in order that the cost of the maintenance of such person shall be chargeable to the city by the Province. In default of such residence, the municipality of the domicile of such person shall be responsible to the Provincial Government for the cost of such maintenance.

652. If, at the trial of a person charged before the recorder's court or one of the judges of said court with an offence against the law or by-laws, it appears to the said court or to the said judge or is established under oath, that such person is insane, the said court or said judge may then send such person to a prison or confide him to the care of any public institution to be confined therein for the purpose of having him undergo a medical examination and, if need be, of obtaining the certificates required by article 4132 of the Revised Statutes, 1909, provided that such confinement, which may be renewed, shall not exceed eight consecutive days.

Examination of persons suspected to be insane. Proviso.

653. Whenever a child, apparently from six to sixteen years old, is brought before the recorder to be sent to an industrial or reformatory school, the said recorder may confine such child in an industrial or reformatory school, or confide him to the care of a respectable person, for such period of time as may be sufficient to make inquiries about his character and to prepare the commitment papers, provided that such temporary confinement, which may be renewed, shall not exceed eight consecutive days.

Power of recorder respecting children brought before him to be sent to industrial schools, etc.

654. Whenever a child, apparently less than sixteen years old, and having no parent and no one else to take proper care of him, is brought before the recorder, but cannot be sent to an industrial or reformatory school, the recorder may confine such child in any institution, or place him in apprenticeship or in domestic service or confide him to the care of a respectable person, until he is eighteen years of age.

Power to apprentice certain children, etc.

655. The recorder may, upon satisfactory proof that a child, less than sixteen years of age, is without sufficient protection, cause such child to be brought before him and deal with him as stated in the aforesaid articles.

Bringing of certain children before recorder.

In these various cases, articles 4082, 4083, 4084, 4086 and 4087 of the Revised Statutes, 1909, shall apply to the

Provisions to apply.

recorder, in the same manner as to the superintendent of any industrial or reformatory school.

Concurrent jurisdiction of both recorders.

656. All the powers and duties vested by law or this charter in the recorder's court or the recorder may and shall be exercised and performed by either recorder.

Suspension, etc., of certain licenses, etc.

657. The recorder's court may, in any action, suit or complaint laid before it, suspend, for such period of time as it may fix, or rescind or annul, any license or permit granted in virtue of this charter or the municipal by-laws, by reason of misconduct, incompetency or violation of any by-law on the part of the holder of such license or permit.

SECTION XXIV

MISCELLANEOUS PROVISIONS

Signing by stamps, etc.

658. The general manager, the city clerk, the city treasurer, the chairman of the board of assessors and the city surveyor may respectively affix their signatures to the certificates and to the notices which they are required to give under this charter, by stamping such signatures thereon with a stamp to be used exclusively for that purpose after having been approved by the council. The signatures, so affixed and stamped, shall be, to all intents and purposes, as valid as if in the handwriting of the said officers.

Production of such stamped documents to be proof, etc. Other officers not to use stamps.

659. The production of any document or instrument bearing such stamp shall be *prima facie* evidence of the authenticity thereof, and of the authority of the officer to affix the same; and, except the officers above referred to, all persons are prohibited from using the said stamped signatures, under the penalty that may be provided by any by-law in that behalf.

Purchase and operation of quarries, etc., outside city limits.

660. The city may purchase and operate quarries and sand-pits outside its limits.

It may effect such purchase by mutual agreement or by expropriation, by following the provisions of articles 533 and following of this charter.

The purchase price or compensation to be paid, including the cost of expropriation, may be charged against the loan fund.

Sale by public auction of certain

661. The general manager of the city may cause to be sold by public auction, by a bailiff of the Superior

Court, without any legal formality, and after the notices required for the sale of personal property on execution, the articles, moveables or personal property remaining unclaimed for twelve months, which may be in the possession of the city, if such articles, moveables or personal property have been stolen or have been seized or confiscated by its police officers, or were in the possession of persons who have died and for whose funeral the city has had to provide. In the event of such property being claimed after the sale, the city shall be liable only for the proceeds of the sale, from which shall be deducted the costs of the sale and the other expenses which it may have incurred.

662. Notwithstanding the provisions of articles 1388 and following of the Revised Statutes, 1909, and amendments, and notwithstanding any other law, the city of Montreal shall be exempt from paying the Government of this Province any tax or license for motor vehicles owned by the city and used in carrying out its public works.

663. The city is authorized, by by-law, to assist the families of such officers and employees of the city who may have been killed or seriously injured in the exercise of their respective duties, the amount determined in each case to be left to the discretion of the council and to be decided by the majority of its members.

The pensions, annuities, indemnities or gratuities granted in virtue of this article are not liable to seizure nor transferable.

664. If questions of fact arise in any matters submitted to the council which the interests of the city require to be investigated by the examination of witnesses on oath, or if it is likewise necessary, in the interest of the city, to institute inquiries into the truth of representations which may be made to the council respecting matters within its jurisdiction, the said council may appoint a committee to investigate the same, and, to that end, examine witnesses under oath.

In the event of the witnesses refusing to appear, they shall be summoned by a resolution of the committee, a copy of which shall be served upon them at least twelve hours, if the subpoena is delivered to them within the city limits, and in other cases, at least one full day, before that fixed for their examination.

When the distance exceeds fifty miles, the delay shall be increased by one day for each additional fifty miles.

A witness may be summoned either to state what he

of documents. knows or to produce any document in his possession; or for both such purposes.

Resolution of committee: its contents. The resolution of the committee ordering the summoning of a witness shall indicate the place where and the day and the hour when such witness shall appear, and shall contain an enumeration of the documents which he must produce.

Signature. The resolution of the committee shall be signed and the copy certified by the chairman.

Manner of service. Such summons shall be served by a bailiff of the Superior Court, in accordance with article 128 of the Code of Civil Procedure.

The chairman is authorized to administer the oath to witnesses.

Penalty if the witness does not obey summons. The witness so summoned who, without sufficient reason, does not appear on the day, and at the place and hour indicated, or refuses, after having appeared, to take the oath or to reply to the questions put to him, or to produce any documents or other things, concerning the investigation and in his possession, shall be liable to a fine not exceeding forty dollars recoverable by and on behalf of the city by a suit before the recorder's court.

Such fine shall belong to the city.

Provisions applicable. Articles 313, 314, 319, 320, 322, 324, 325, 326, 327, 331, and 332 of the Code of Civil Procedure shall apply in such cases.

Stenography. The depositions of the witnesses may be taken in writing by means of stenography by an official stenographer of the Superior Court, who shall, under his oath of office, certify the exactness and accuracy of the transcription of his notes, which shall then be considered as proof of their contents.

Taxation. The witnesses shall be entitled to be taxed as in a case in the Superior Court.

Publication of certain notices. **665.** Whenever it is necessary that any public or special notice be given in the newspapers, in virtue of the law, such notice shall be published only once in one English and once in one French daily newspaper published in the city or in the municipal bulletin only, if the city so decides. It may also, if it wishes, publish any public or other notice in a newspaper published in any foreign language.

Special notices, now served. **666.** When any special notice is required to be given under this charter, to any person, such notice may be served either at his residence or at his place of business in the city; if such person have no residence or place of business in the city, such person may signify in writing

to the city clerk his address outside the city, in which case such notice may be served upon him by mailing the same registered to the address so given to the city clerk.

Persons who have no residence or place of business in the city, and who have failed to signify their address as aforesaid, shall not be entitled to such notice. No notice in certain case.

667. Any bailiff of the Superior Court or of the recorder's court may serve and post up any notification required by this charter, and make a valid return thereof under his oath of office. Serving, etc. of notices by bailiff.

668. Notwithstanding any law to the contrary, no right of action shall exist against the city, for damages resulting from bodily injury caused by an accident, or for damages to moveable or immoveable property, unless within thirty days from the date of such accident or damages sustained, a written notice has been received by the city containing the particulars of the damages sustained, indicating the name, surname, occupation and address of the person who has suffered the same, giving the cause of such damages and specifying the place where the same occurred. Notice of actions for damages against city.

No action for damages or for a compensation shall be instituted against the city before the expiration of thirty days from the date of the receipt of the aforesaid notice. When action for damages to be instituted.

Failure to give such notice, however, shall not deprive the victim of the accident of his right of action, if he prove that he was prevented from giving such notice by irresistible force or for any other reason deemed valid by the judge or court. Want of notice excused in certain cases.

669. No action against the city for damages or for compensation shall be admissible unless the same be instituted within six months from the date when the right of action originated. Prescription of suits for damages.

670. The city shall have its recourse in warranty against any person whose fault, imprudence, negligence or incapacity have been the cause of the accident and of the damages or compensation claimed. City's recourse in warranty.

671. Without prejudice to existing contracts, if, in the performance of municipal works and in the case of widening of streets, it is necessary to temporarily remove or change the place of existing poles or wires in the streets, lanes, or public places of the city, the Quebec Public Service Commission shall decide who is to bear, in whole Temporary removal of poles, etc., who bears the cost.

or in part, the cost of such removal or change, and of their construction.

Works on
private
streets, etc.

672. The city is authorized to perform in and upon any private street or lane, any municipal works whatsoever, without being held to pay any damages or compensation for the use or possession of such private streets or lanes, and to charge the cost of said works as provided by this charter or its by-laws.

City may do
municipal
work on
subdivi-
sions.

673. If a proprietor subdivides his land into building lots, and if the plan of the subdivision of such lots be registered, the city—in the event of any of such lots bounded by a street projected on the said plan, being disposed of by sale, promise of sale or otherwise—may, at the request of one or more of the purchasers thereof or of the parties to whom promises of sale have been given, perform on such projected streets all such municipal works as it may deem advisable, without being held to pay any compensation or damages for the use or possession of said streets, and may charge the cost thereof to the bordering proprietors in accordance with the provisions of this charter and of the by-laws. This article shall not apply to cases where the city is obliged to open a street under a special act.

Laying of
sewers in
private
streets, etc.

674. The city is authorized to lay sewers in the streets situated, as to their width, partly within its limits and partly in an adjoining municipality, and to apportion the cost thereof on the immoveables bordering on such streets, in the same manner and with the same effect as if the said immoveables were all situated within the limits of the city.

Prescription
of action for
damages
against city,
etc., for
offences, etc.

675. All actions, suits or claims against the city or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the cause of action originated, any article or provision of the law to the contrary notwithstanding.

Certain
cemeteries
may be
converted
into public
squares, etc.

676. The city and the trustees of the Mount-Royal Cemetery, upon acquiring, at any time hereafter, the grounds of the old Protestant and military cemeteries situated on Papineau road, may convert the same into a public square, and make all the necessary arrangements, and determine the conditions upon which the said pieces of ground may become the property of the city.

677. The city may, by creating an insurance fund, insure itself against risks by fire, wholly or in part, in the discretion of the council, provided a sum, not exceeding five per cent of the value of the buildings, as shown on the valuation roll, be entered every year in the estimates, be put aside, and capitalized as an insurance fund to be employed solely for that purpose. Insurance fund.

678. Whenever by reason of the change of the level of any sidewalk, street or lane, any damages shall be caused to property bordering on such sidewalk, street or lane, the increase in the value of said property resulting from such change of level and from the municipal works performed by the city, shall be taken into account when appraising the damages, and such increase of value shall compensate to a like amount for the damages sustained. Increased value to be considered in case of change of level.

679. No person shall act as a special constable or detective within the limits of the city, without having first obtained a certificate of good character from the mayor, and being duly sworn as such before the mayor or the recorder. Certificate required for special constables, etc.

A register of all such special constables or detectives shall be kept in the police department, and each constable or detective shall be entitled to receive from the superintendent a certificate establishing that the formalities required by this article have been complied with. Such certificate shall be sufficient evidence of the authority of such special constable or detective to act as such. Register of said constables, etc., to be kept, etc. Value of certificate.

Each such constable or detective shall wear a badge to be supplied by the city at his own cost and expense. Badge for such officers.

680. All the immoveable property which the city now owns or may hereafter acquire within the limits of the town of Lasalle, and which may be utilized for the aqueduct of the city of Montreal or as streets or boulevards, shall be exempt from all municipal taxes whatsoever, general or special, as well as from school taxes. Certain immoveables exempt from taxation.

681. Whenever a patient suffering from tuberculosis, or any incurable or contagious disease, is interned in a hospital at the expense of the city of Montreal, and such patient has had no domicile within the city for at least twelve months, the city may then have the expense of maintenance, stay, treatment, transportation or any other expense for such patient in such hospital paid by the city, town or county municipality within the limits whereof such patient previously had his domicile. Payment by town of domicile for expense of maintenance, etc. of certain invalids.

Patient to be responsible to town, etc.

Every city, town or county municipality which pays to the city of Montreal any such sum of money under this article, may recover the same from the patient or the persons bound by law to support him.

Costs of internment of children may be recovered from town, etc. of domicile.

682. In every case where a child from five to fourteen years of age is interned in an industrial school at the expense of the city of Montreal, and such child has not had his domicile within the city for at least six months, the city of Montreal may then have the costs incurred for such child, as well as his transportation to the said industrial school, paid by the city, town or county municipality within the limits whereof the child had previously had his domicile.

Subrogation,

Every city, town or county municipality which pays the city of Montreal any sum of money under this article may recover the same from the persons bound to support the child.

This act not to affect rolls now in force.

Special assessments to be paid in ten equal annual instalments.

683. Notwithstanding any law to the contrary, and notwithstanding the resolutions and municipal by-laws adopted for general or special purposes by the various municipalities annexed to the city of Montreal, and notwithstanding the special assessment rolls now in force, and prepared in virtue of said laws, resolutions and by-laws, all special assessments levied and apportioned in virtue of said by-laws, resolutions and rolls shall be paid to the city in ten annual, equal and consecutive instalments, sufficient to cover, within a period of ten years from the 1st of May, 1914, the amount remaining due in virtue of such rolls, with interest at the rate of six per cent on any unpaid balance. The first instalment shall become due on the 1st of May, 1914.

Due date.

Art. 556 to govern mode of payments.

The provisions of article 556 of this charter shall in future govern the mode of payments of assessments which may be levied in virtue of the said laws, by-laws or resolutions.

City exempt from school tax.

684. The city of Montreal shall be exempt from the payment of any school tax which may be imposed on the immoveables belonging to it, and situated within its limits, and occupied or utilized for public purposes.

Exception.

This provision shall not affect the rolls in force.

Contribution to certain sanatorium.

685. The city of Montreal may contribute to tuberculosis sanatoriums outside of the said city, when such institutions are constituted or maintained by taxpayers of the city of Montreal for the sole benefit of residents of the city.

686. The city of Montreal may, at any time, by resolution, increase the salary of the secretary of the Montreal Fire Commission, which salary is fixed by article 3821 of the Revised Statutes, 1909, as amended by the act 2 George V, chapter 35, section 1. The city of Montreal may recover from the fire insurance companies their share of any increase of salary so voted, in the same manner as the other amounts which are paid by the said city, under the statutes above mentioned.

Salary of secretary of Montreal Fire Commission may be increased.

Recovery from insurance companies.

687. The city may exact and recover from any person, partnership, corporation or company operating one or more public or private abattoirs situated in or in the vicinity of the city, in order to meet the expenses the city may be called upon to pay for the inspection of the cattle and other animals slaughtered therein, a sum of not more than two thousand dollars per annum for each public abattoir, and a sum of not more than four hundred dollars per annum for each private abattoir operated by any such person, partnership, corporation or company. The amounts to be recovered shall be fixed every year by the city, by resolution, before the first of July, and shall be payable on the first of September following.

Abattoir companies to pay certain sum for salaries of health officers, etc.

Date when amounts to be fixed and paid.

688. The council may, by by-law, allow or prohibit the sale, within the limits of the city, of every animal intended for slaughtering, and may exact a duty on every such animal that shall be brought into any cattleyard reserved, on behalf of the city, near any abattoirs, as well as elsewhere within the limits of the city; which duty shall be levied in the same manner as any tax or assessment may be levied under this charter.

Sale of animals for slaughter, etc.

689. When the council, in its discretion, may deem it expedient to cause privy-vaults or privies in the city to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract; provided such price does not exceed seven cents per cubic foot.

Privy-vaults, when emptied by contract.

Such contractor has the right to recover from the owner of premises the sum due under such contract, before the ordinary tribunals.

Rights of contractor.

690. The power of the council to assess proprietors to defray the cost of the construction of a sewer in any street of the city may be exercised, as to any sewer that may be proposed in any street or lane.

Powers as to sewers in proposed streets or lanes.

ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health.

Declarations in seizure by garnishment.

691. The city treasurer may, in all cases of seizure by garnishment, delegate an employee of his office with necessary instructions, to make a declaration in court.

Purchase of certain immoveables.

692. The city may, through its officials duly authorized to that effect, purchase any immoveables sold by authority of justice, whenever it may deem it necessary in order to ensure the collection of its taxes and assessments or to protect its interests generally.

Mount-Royal Park to be kept as a public park.

693. The city shall, in perpetuity, preserve and maintain the whole of Mount-Royal Park, according to its present limits, as a public park; and the city council shall not have power to alienate any part of the said park for the exercise of any special rights, privileges, or franchises thereon, nor shall the council permit the laying of any tracks, poles, wires or electrical apparatus, for steam, electric or traction purposes, by any person or corporation, notwithstanding any special powers of expropriation or other powers, granted by any general or special statute to the city of Montreal, or to any person, municipality or corporation, save in so far as such special statute may expressly derogate from the provisions of this article. The city is, however, empowered to dispose, upon such terms and under such conditions as the council may decide, of that part of Mount-Royal Park which is bounded on the North by Duluth Avenue, on the South by Pine Avenue, on the East by the property of the Hotel-Dieu, and on the west by Park Avenue.

Proviso.

Privileges of certain railway may be renewed, however.

Nevertheless the city shall have the right to grant or renew such privileges as were formerly granted to the Mount-Royal Park Incline Railway. The city shall, however, have the right to expropriate in the manner prescribed for similar matters according to law.

Fire, etc., stations in Mount-Royal Park.

694. The city may also build one or more fire and police stations in Mount-Royal Park.

Certain uniform not to be worn.

695. No person or company shall wear or cause to be worn any costume or uniform similar to that of the city police or the city fire brigade; and every offender shall be liable to a penalty not exceeding twenty dollars for each offence, and shall also be liable to imprisonment for a

Penalty.

period not exceeding three weeks for each offence, upon complaint before the recorder's court.

696. All persons who shall, by means of any excavations in or obstructions upon any street of the city, not authorized by law or the by-laws of the city, render such streets unsafe for travel, or who shall, 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, render 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 city for such damages, unless such person or persons shall be joined as party defendants, if the plaintiff be so required by the city, which shall give the name, residence and quality of such persons.

Damages occasioned by obstructions in streets.

697. In case of judgments against the defendants in virtue of article 696, execution shall at first issue only against the defendant in fault, and the city shall not be required to take steps to pay such judgment, including costs of execution against the defendant, until such execution shall be returned unsatisfied, or in the case of an opposition to or contestation of the seizure for reasons other than matters of form.

Execution in the case of judgments in such case.

If the city shall pay 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.

Recourse, if city pays amount of judgment.

698. When any suit or action is commenced against the city, service therein shall be made upon the city clerk, or at his office or domicile.

Service of suits, etc., against city.

699. No person shall, by reason only of being an inhabitant of the city, be incompetent as a judge, or juror, in any proceeding or action in which the said city shall be a party.

Citizens not incompetent as judges, etc., by reason of residence.

700. The city shall not be required, in taking any appeal or in issuing out any writ or process, or in or about the prosecution of any action or proceeding, to enter into any bond or to give any security whatever.

City not bound to furnish security.

701. Notwithstanding any law to the contrary, no

Delay in

execution of judgment against city. judgment, rendered against the city for a pecuniary condemnation only, shall be executory before the expiration of thirty days after the date of the judgment.

Comptroller to see that debts are not paid out of subsequent years appropriations.

702. It shall be the duty of the comptroller to see that no indebtedness incurred during any fiscal year shall be charged to or paid out of the appropriations made for any subsequent fiscal year, unless the council, by an affirmative vote of the majority of its members, shall decide that any such indebtedness may be so charged and paid.

Books to be kept by comptroller for communications to council or committees, etc.

703. The comptroller shall keep a special book in which shall be entered all communications which he shall transmit to the council, to the general manager, to committees or to heads of departments, and such book may be examined by the members of the council during office hours.

Penalty on persons accepting, etc., money, etc., to assist any one in procuring employment from the city.

704. Any person who, directly or indirectly, by himself or by any other person on his behalf, accepts, or who promises or agrees to accept, or who demands or solicits, from or on behalf of any applicant for a position in the municipal service, any money or valuable consideration in return for his vote, assistance, advice or influence, whether the latter be real or presumed, in order that the aforesaid person may obtain a position in the municipal service, shall, upon summary conviction before the recorder, be liable to a fine of forty dollars and imprisonment not exceeding one month, and in case of such conviction one half of the fine shall be due and payable to the informer.

Penalty for accepting, etc., money, etc., to assist any employee in securing promotion.

705. Any person, who, directly or indirectly, by himself or by any other person on his behalf, accepts or promises or agrees to accept, or who solicits or demands from any civic employee, any money or valuable consideration in return for his vote, assistance, advice or influence, whether the latter be real or presumed, in order that said civic employee may receive promotion, preferment, advance in salary, bonus, extra pay, or any advantage or benefit of a similar character, shall, upon summary conviction before the recorder, be liable to a fine of forty dollars and imprisonment not exceeding one month, and in case of conviction one-half of the fine shall be due and payable to the informer.

If offender a member of the council.

Should the person thus adjudged guilty be a member of the council, he shall in addition, *ipso facto*, lose his seat and become disqualified for five years.

If offender a civic employee.

Should the aforesaid person be a civic employee, he shall in addition be immediately discharged, and become ineligible for re-engagement for ten years.

706. Any applicant for a position in the municipal service, 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 in order to induce any person to obtain, or to assist in any manner whatsoever in obtaining for the aforesaid applicant, any position in the municipal service, shall, upon summary conviction before the recorder, be liable to a fine of forty dollars and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

Penalty against persons seeking employment by city, etc., giving money, etc., to influence any one to secure the same.

707. Any employee in the service of the city, whether temporary or permanent, 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 in order to induce any person to obtain, or to assist in any manner whatsoever in obtaining for the aforesaid civic employee any promotion, preferment, advance in salary, bonus, allowance for extra work, or any advantage or benefit of a similar character, shall, upon summary conviction before the recorder, be liable to a fine of forty dollars and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

Penalty against employee giving money to influence any one to secure his promotion.

In addition to the above, he shall be forthwith dismissed from the municipal service, and shall be ineligible for re-engagement in any capacity for ten years.

Dismissal of such employee.

708. The policemen or constables of the city shall, in the performance of their duties, have all the powers and authority conferred on constables or peace officers by the common law.

General powers of policemen, etc.

The city of Montreal shall appoint special constables, who shall be charged with the duty of seeing to the observance of the clauses of the agreement between it and the Montreal Tramways Company, as well as of all clauses of all the various acts governing the said company. The salary of such constables shall be paid by the city.

Special constables to enforce the carrying out of contract with the Montreal Street Railway Co.

709. The city is empowered to appoint women to act as constables, police officers or special detectives, and such women shall be subject to the provisions of this charter and the municipal by-laws relating to policemen, constables and detectives.

Women constables, etc.

710. All prisoners brought to the police stations, charged with the commission of any offence, shall be confined in

Persons confined in

police
stations.

brought before the tribunal without delay to be dealt with according to law.

City to
contribute
to certain
winter
roads.

711. The city shall contribute, to the amount of one-half, towards the expenses incurred for the opening, lighting and maintenance during winter, of a road on the river St. Lawrence to communicate with the city of Longueuil, and the opening and maintenance of another road on the said river to communicate with the village of Laprairie.

Establish-
ment, etc.,
of libraries,
etc.

712. The city is authorized to erect and maintain libraries, reading rooms, and public museums, and to purchase the lands required for that purpose; the loan funds borrowed under article 396 may also be used for the above purposes.

Authoriza-
tion to
create
library
commission.

713. The city may, by by-law, create and constitute a commission, all or a portion of whose members shall be chosen from outside the council, to whom it may delegate such powers as may be deemed advisable, for the administration and internal government of any library established by it and for the selection of books. Such commission shall consist of not less than three members.

Expenses
for the
municipal
library.

714. Notwithstanding any provision to the contrary, upon the adoption by a majority of the whole council of a by-law to that effect, there shall be entered in the estimates every year for five consecutive years, for the municipal library, as established by by-law 624 of the city, adopted on the 26th of May, 1917, an amount not exceeding twenty-five thousand dollars, for the following purposes,—

- a. for the purchase of books, pamphlets, magazines, newspapers, pictures, engravings, portraits, stamps, drawings, manuscripts, coins, medals and other historical articles;
- b. for the expense of binding, repairing and keeping the books;
- c. for the works and materials required for the installation and conservation of works of art.

Tenders not
necessary.

The sum voted may be spent for the above purposes without it being necessary to call for tenders.

Jurisdiction
of the li-
brary com-
mission.

The jurisdiction of the library commission may extend to branch reading rooms already established by the city and those it may establish in the future.

Establish-
ment, etc.,
of "Municipal

715. The council may establish and maintain a "Municipal Publicity Bureau," the object of which shall be to organize and carry on propaganda, by means of public

advertisements or otherwise, in order to make Montreal pal Publicity
advantageously known. Bureau".

716. The city is authorized to contribute to the estab-Courts for
lishment and maintenance of a court for juvenile delin- young
quents or juvenile court, as well as of a house of deten- offenders.
tion and house of industry for such juvenile delinquents,
and also the staff required for such purpose.

717. The city shall not, however, bind itself in any Proviso as
manner to contribute to the confinement and maintenance to outside
of juvenile delinquents coming from any other municipality offenders.
than that of Montreal.

718. All steam and chemical fire engines, motor cars, Right of
or trucks, hose-carts, hose-waggon, hook and ladder way of
trucks, water-towers and all and any other vehicles belong- certain
ing to and in the employ of the fire department of the city engines, etc.
of Montreal, whether the same are propelled by horses,
gasoline, steam, electricity or any other source of energy,
while on the way to any fire, as well as all ambulances
responding to a call, shall have the right of way in, upon
and through all of the streets, lanes, boulevards, avenues,
highways, thoroughfares, and public places of the city of
Montreal, in preference and to the exclusion of every
other vehicle.

The driver of any vehicle who shall voluntarily, by the Certain
running or operation of such vehicle, interfere with the free interference
running or operation of any such vehicle of the fire depart- with such
ment, while engaged in going to a fire, or of any ambulance vehicles, for-
responding to a call, shall be liable to a fine not exceeding bidden.)
forty dollars with or without costs, and, in default of pay- Penalty.
ment, to imprisonment for not more than two months.

719. Notwithstanding the act 54 Victoria, chapter 53, Issue by
the bonds and debentures or inscribed stock which the city of
Board of Roman Catholic School Commissioners of the city of school bonds
of Montreal and the Protestant Board of School Commis- etc.
sioners of the city of Montreal may issue and sign for the
purpose mentioned in the said act, may be issued directly
by the city of Montreal, and shall be signed by the city
treasurer and countersigned by the city comptroller when
the said board of commissioners concerned applies for the
same.

Such loans shall not form part of the city's consolidated Law to
funded debt, and the various acts applying to the issue of apply to
such bonds, debentures and inscribed stock shall apply to such bonds,
such issue as if it had been made by the board of school etc.
commissioners concerned.

Lease of
part of
Mount
Royal Park.
Poles on
part of
Ontario
Avenue.

720. The city may use or lease a part of Mount-Royal Park for the erection of a saluting-battery.

721. Notwithstanding any law to the contrary, it shall not be lawful for any person, firm, syndicate, company or corporation, to erect or maintain any poles on Ontario avenue, between Sherbrooke street and Pine avenue, when underground conduits shall have been constructed in the said avenue.

Exchange of
lands.

722. The city may make exchanges of lands whenever the same shall be deemed in the interest of the city, except in the case of Mount-Royal Park.

Tenders how
called for.

723. When tenders are called for by the city for the performance of municipal works, the city shall tender for such works through its chief engineer; and, when its tender is the lowest, it shall, if it deems it expedient, have such works done and purchase all the materials and plant it may need for such purpose.

Roll of ap-
portionment
for certain
works on
side-walks,
etc.

724. Notwithstanding any law to the contrary, when work in connection with making sidewalks, or sewers, paving, opening, extending or widening streets or improvements to streets, has been authorized by contract, by-law or resolution, by any municipality previous to its annexation to the city of Montreal, the rolls of apportionment for such work shall be made by the city officer who shall be designated for such purpose by the council, and such officer shall, as regards the making of such rolls, comply with the prescriptions of the contracts, by-laws or resolutions authorizing such work, except as regards the procedure respecting the completion and putting of such rolls into force, which shall be as follows:

Notice of
examination
of same.

As soon as the roll is prepared, the said officer shall give eight days' public notice of the day when the interested ratepayers may examine it and submit their objections before the said roll is completed and put in force. Such notice shall be published for two days in two English and in two French newspapers.

Hearing of
objections.

The said officer shall hear and summarily judge all the objections that may be made, and there shall be no appeal from his decision.

Signing of
roll.

The said roll shall then be signed by the said officer, and shall be in force *ipso facto*.

Levying of
the amount
due.

The amount due under the apportionment so made shall be levied from the ratepayers affected thereby, and be recoverable in the same manner as the other taxes and contributions on immoveables.

Neither the provisions of this article, nor those of article 683, shall affect article 57 of the act 4 George V, chapter 73, nor articles 72 or 73 of the act 8 George V, chapter 84. Provisions to apply.

725. The city may charge a fee of not more than twenty-five dollars for every authorization given to any association or club applying for incorporation under article 7233 or 7245 of the Revised Statutes, 1909. Clubs, etc.

726. The council may create a technical commission composed of such number of the heads of the municipal departments and other persons as it deems advisable, and may, from time to time, make such changes in the personnel of such commission as it considers necessary. Technical commission.

Such commission shall have charge of the study of or inquiry into such facts, matters and questions of a technical nature as may be entrusted to it by the said council. Its duties.

727. The city may lease by emphyteutic lease, and on such conditions as it may deem proper, any vacant lots or lots with buildings which belong to it. Lease of lots.

728. The city of Montreal is authorized to look into the financial position of any municipal corporation on the Island of Montreal, and to that end it shall have power and authority to examine any book, proces-verbal, by-law, contract, or other document of any of the said municipal corporations. Investigation of financial position of municipalities on the Island of Montreal.

The clerk, secretary-treasurer, treasurer, or any other officer or employee of the said municipal corporations, shall be bound to place at the disposal of the city, every book, procès-verbal, by-law, roll, contract or other document which it may require for such purpose. Access to books, etc.

729. The city is authorized, without paying any indemnity or compensation, to erect fences on private property during the winter season for the purpose of preventing snow from accumulating on the roads. Erection of fences on private property.

730. From and after the year 1921, the council shall by by-law provide for a general census of the inhabitants of the city at least every three years, in such form as the said council, by said by-law, may deem best, in order to meet the requirements of the administrative departments and for school purposes. Triennial census.

The council may by by-law establish a system of compulsory and uninterrupted registration of said inhabitants in order to facilitate such census and to enable the city to ascertain the fluctuations in the population. Registration of inhabitants.

Required
staff for the
same.

For such purposes, the council shall provide for the employment of the necessary staff and the payment thereof; and it may entrust this work to the electoral board, if it so deems fit.

Board of
investiga-
tion and
arbitration.

731. Whenever a conflict may arise between the city authorities and any group or class of its employees, their differences shall be submitted to a board of investigation and arbitration as provided by provincial or federal law.

SECTION XXV

SPECIAL PROVISIONS

62 V., c. 58,
repealed in
certain
cases;

732. The provisions of the act 62 Victoria, chapter 58, and of its amendments, are repealed,—

1. In cases where this charter contains any provision which has expressly or impliedly that effect;

2. In cases where they are contrary to or inconsistent with any of the provisions of this charter.

No retroac-
tive effect.

However, such revocation shall not have any retroactive effect, and especially shall not affect the matters, things, acts, operations or proceedings done or commenced and the vested rights acquired, prior to the coming into force of this charter, nor the resolutions, decisions, orders, or other proceedings of the council, debentures, notes, shares, or bonds, the by-laws, rolls of assessment or apportionment or other rolls, or voters' lists prepared prior to such coming into force, nor the rights and duties of civic officers and employees, or of the recorders in office, who shall continue to discharge the duties of their offices until they have been replaced according to the provisions of this charter; but all such matters or things, acts, operations, proceedings, resolutions, decisions or orders, debentures, notes, bonds, by-laws, rolls and lists, shall continue to be regulated by such acts, until they are changed, altered, replaced or repealed by any proceedings adopted in virtue of this charter.

Interpreta-
tion of this
charter.

733. This charter, save when it contains dispositions differing from those contained in the previously existing laws affecting the city, shall not be held to operate as new law; but it shall be construed and shall have effect as a consolidation, and as declaratory of the law as it existed at the time of its coming into force.

Effect of
provisions,
etc., res-
pecting the

734. All the provisions, terms and conditions affecting the annexation of any territory to the city of Montreal, or the said territory, contained either in any acts or in any

by-laws, in force at the time of the coming into force of annexation of territories
 this charter, shall continue to have the same effect as if this of territories
 charter had not been adopted; and this provision shall like- etc.,
 wise apply to any acts granting a delay to the city for the continued.
 fulfilment of obligations, and to any acts providing for a
 special valuation or assessment in the case of land under
 cultivation or the appurtenances thereof.

735. Sections 40 and 41 of the act 9 Edward VII, 9 Ed. VII, c.
 chapter 81, shall not be affected by this charter, without 81, arts. 40
 restricting the generality of the preceding provisions. and 41, not
 affected by
 this charter.

736. Section 75 of the act 8 George V, chapter 84, Dispositions
 (including schedule A therein mentioned), and the act 1 continue to
 George V (2nd session), chapter 77, and its amendments, have full
 shall continue to have full effect and to govern the matters effect.
 which form the subject thereof, notwithstanding the pro-
 visions of this charter.

737. In cases for which no provision is made, every Exercise of
 power conferred or duty imposed, by law or by by-law, powers of
 upon either the council, the board of commissioners, the the council.
 administrative commission of the city of Montreal, or
 upon any officer or functionary of the city, or upon any
 bodies, officers or functionaries jointly, separately or subor-
 dinately one to another, shall be exercised or fulfilled in
 accordance with the provisions of this charter.

738. Any reference in any act passed prior to the References.
 adoption of this charter, and which remains in force, or in
 any proclamation, instrument or document whatsoever,
 to any act or provision which is repealed or consolidated
 by this charter shall, after the coming into force thereof,
 be held, as regards any subsequent transaction, matter or
 thing, to be a reference to the provisions of this charter
 corresponding to the act or provision which is repealed
 or consolidated, except in cases where there is inconsis-
 tency or where a different intent is evident.

739. The provisions of this charter concerning the pre-Coming
 paration of the voters' lists, the election of councillors and into force.
 the calling of the first meeting of the council, shall come
 into force on the day fixed by proclamation of the Lieu-
 tenant-Governor in Council, but the other provisions
 thereof shall not come into force until the opening of Provisions
 the first meeting of the council, and till then the city applicable
 shall continue to be governed and administered under the before the
 same laws, by the same officials and in the same manner coming into
 as before the adoption of this charter. force.

FORMS

No. 1.

Form mentioned in articles 26 and 34.

OATH OF MAYOR OR COUNCILLOR

I. A. B., having been elected mayor or councillor (or commissioner, *as the case may be*), of the city of Montreal, do swear (or affirm) that I will bear faithful and true allegiance to His Majesty King George V (*or the reigning Sovereign for the time being*), his heirs and successors, according to law; and I further swear that I will faithfully perform and fulfil, according to the best of my judgment and ability, the duties of the office to which I have been elected. So help me God.

No. 2.

Form mentioned in article 62.

NOTICE TO ELECTORS OF COMPLETION OF ELECTORS' LISTS

(This notice must specify the qualifications of the persons whose names are sought to be added, and the causes of disqualification of those sought to be struck off, and must be served, at the diligence of the applicant, on or before the 17th day of December, 19 , upon every person whose name is sought to be struck from the electors' lists, by registered letter, sent to the address mentioned on said list).

Public notice is hereby given that the electors' lists for the city of Montreal have been delivered to the undersigned, and that, within fifteen days from the date hereof, any elector may give notice in writing to the undersigned, that he will apply to the recorder of the city to have the list of electors amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted. And public notice is hereby given that the recorder of the city of Montreal will sit (*mention the day, date, hour, and place*), for the purpose of considering such applications or complaints, in respect of said electors' lists, as may be made, according to law.

By order,

.....
City Clerk.

City Clerk's Office,
City Hall,
Montreal.

No. 3.

Form mentioned in article 74.

CERTIFICATE OF REVISION OF ELECTORS' LISTS

I, the undersigned, recorder of the city of Montreal, do hereby certify that the above list of municipal electors for the polling-division number.....of the city of Montreal, for the current year, has been revised by me according to law.

.....
Recorder.

.....
City-clerk.

Montreal,

19 .

No. 4.

Form mentioned in article 87.

COMMISSION OF AN ELECTION CLERK

To E. F., (*set forth occupation and residence*).

Know you that, in my capacity of returning-officer, I have appointed and do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching elections, to be held in the city of Montreal under the provisions of the charter of the said city.

Given under my hand, at....., this.....day of the month of.....in the year.....

(Signature)

A. B.,
Returning-Officer.

No. 5.

Form mentioned in article 88.

OATH OF THE ELECTION-CLERK

I, the undersigned, E. F., appointed election-clerk for the approaching elections to be held in the city of Montreal under the provisions of the charter of the said city, do solemnly swear (*or affirm*) that I will act faithfully in my said capacity as election-clerk, and also as returning-officer if required to act as such, the whole according to law and without partiality, fear, favor, or affection. So help me God.

(Signature)

E. F.,
Election clerk.

No. 6.

Form mentioned in article 88.

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 approaching elections to be held in the city of Montreal under the provisions of the charter of the said city, did take and subscribe before me the oath of office required by the charter of the city of Montreal.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,
Justice of the Peace.

or A. B.,
Returning-officer

No. 7

Form mentioned in article 93

NOMINATION-PAPER

CITY OF MONTREAL

We, the undersigned, electors of the city of Montreal, hereby nominate..... whose residence is..... Montreal, for the office of councillor for the..... electoral district, to be voted for at the election to be held in the city of Montreal on the..... day of..... 19....., and we individually certify that we are qualified to vote for a candidate for the above office.

In witness whereof, we have signed at Montreal.

| Names | Occupation | Qualification (Giving the electoral franchise) | Address |
|-------|------------|---|---------|
| | | | |

No. 8

Form mentioned in article 100

AFFIDAVIT TO ACCOMPANY NOMINATION-PAPER

I, being duly sworn, depose and say that I am the circulator of the foregoing nomination-paper containing..... signatures, and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be; and I further declare that to my personal knowledge the said signatures are those of persons entered on the electors' list in force.

(Signature).....

Subscribed and sworn to before me this.....
 day of..... 19.....
 Justice of the Peace (or
 commissioner S. C.)

This nomination-paper, if found insufficient by the city
 clerk, shall be returned to..... at No.....
 street.

I, the said..... nominated in the fore-
 going nomination-paper, hereby consent to such nomina-
 tion.

Witness my hand at Montreal, this day of 19 .

Signed by the said..... in the presence of

(Signature)

I, the undersigned,....., candidate at the
 present election, do solemnly declare that I can read
 fluently and write legibly, and I make this solemn declara-
 tion conscientiously believing the same to be true and
 knowing that it is of same force and effect as if made under
 oath, and by virtue of the Canada Evidence Act.

Declared before me
 at..... this
 day of.....

(Signature)

No. 9

Form mentioned in article 114

COMMISSION OF A DEPUTY-RETURNING OFFICER

To G. H. (*insert his 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-division No..... in the
 city of Montreal, 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..... day of
 the month of..... instant (*or next*), at
 of the clock in the..... noon, 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.....

(Signature) A. B.,
Returning-Officer.

No. 10

Form mentioned in article 116

OATH OF DEPUTY-RETURNING-OFFICER

I, the undersigned, G. H., appointed deputy-returning-officer for the polling-division No..... in the city of Montreal, do solemnly swear (or affirm) that I will act faithfully in my said capacity and without partiality, fear, favor or affection: So help me God.

(Signature) G. H.,
Deputy-Returning officer.

No. 11

Form mentioned in article 116

CERTIFICATE OF A DEPUTY-RETURNING-OFFICER HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, hereby certify that on the.....
..... day of the month of..... 19.....
G. H., deputy-returning officer for the polling-division
No..... of the city of Montreal, took and subscribed
before me the oath of office required in such case.

In testimony whereof, I have delivered to him this
certificate under my hand.

(Signature) C. D.,
Justice of the Peace.
or A. B.,
Returning-Officer.

FORM No. 12.

Form mentioned in article 122.

BALLOT-PAPER

MONTREAL MUNICIPAL ELECTIONS

.....Electoral District

Directions to Voters.

Vote by placing the figure 1 or the sign of a cross (X) in the square opposite the name of your first choice; the figure 2 opposite the name of your second choice; the figure 3 opposite the name of your third choice; and so on. You may thus express as many choices as there are candidates.

If you spoil this ballot inadvertently, you may return it to the deputy-returning-officer and obtain another in its place.

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|---|
| | Arcand, Joseph, Trader, 1418 St. Hubert Street, Montreal. |
| | Beauchamp, Hector, Engineer, 14 Berri Street, Montreal. |
| | Candlish, John, Dairyman, 10 Ann Street, Montreal. |
| | Desbiens, Joseph, Master Painter, 44 Dandurand Street, Montreal. |

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|--|
| | Eaves, Henry, Clerk, 318 Peel Street, Montreal. |
| | Guenette, Jean, Broker, 33 St. Famille Street, Montreal. |
| | Lauzon, Zotique, Gentleman, 333 Plessis Street, Montreal. |
| | Liverman, Moses, Haberdasher, 1115 Craig Street, Montreal. |
| | Martel, Jean Baptiste, Photographer, 33 Mount Royal Avenue, Montreal. |
| | Nadeau, Louis, Physician, 332 Laval Avenue, Montreal. |
| | Osler, James, Laborer, 18 Shuter Street, Montreal. |
| | Perras, Donat, Grocer, 42 St. Dominique Street. Montreal. |

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|--|
| | Shea, Albert, Butcher, 193 Rivard Street, Montreal. |
| | Stafford, Fred., Manager, 375 Stanley Street, Montreal. |
| | Viau, Thomas, Jeweller, 1418 McCord Street, Montreal. |

ANNEX.

No.

The Initials of the Deputy-Returning-Officer should be placed here.

Ici doivent être mises les initiales du sous-officier-rapporteur.

FORM No. 12 (*Continued*).

DIRECTIONS TO VOTERS

To be posted outside and in each compartment of the poll.

Vote by placing the figure 1 or the sign of a cross (X) in the square opposite the name of your first choice; the figure 2 opposite the name of your second choice; the figure 3 opposite the name of your third choice; and so on. You may thus express as many choices as there are candidates.

If you spoil this ballot inadvertently, you may return it to the deputy-returning-officer and obtain another in its place.

One example of a valid ballot.

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|---|
| 13 | Arcand, Joseph, Trader, 1418 St. Hubert Street, Montreal. |
| 4 | Beauchamp, Hector, Engineer, 14 Berri Street, Montreal. |
| 2 | Candlish, John, Dairyman, 10 Ann Street, Montreal. |
| 9 | Desbiens, Joseph, Master Painter, 44 Dandurand Street, Montreal. |

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|--|
| 1 | Eaves, Henry, Clerk, 318 Peel Street, Montreal. |
| 6 | Guenette, Jean, Broker, 33 St. Famille Street, Montreal. |
| 5 | Lauzon, Zotique, Gentleman, 333 Plessis Street, Montreal. |
| 8 | Liverman, Moses, Haberdasher, 1115 Craig Street, Montreal. |
| 15 | Martel, Jean Baptiste, Photographer, 33 Mount Royal Avenue, Montreal. |
| 14 | Nadeau, Louis, Physician, 332 Laval Avenue, Montreal. |
| 10 | Osler, James, Laborer, 18 Shuter Street, Montreal. |
| 11 | Perras, Donat, Grocer, 42 St. Dominique Street, Montreal. |

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|--|
| 3 | Shea, Albert, Butcher, 193 Rivard Street, Montreal. |
| 12 | Stafford, Fred., Manager, 375 Stanley Street, Montreal. |
| 7 | Viau, Thomas, Jeweller, 1418 McCord Street, Montreal. |

FORM No. 12 (*Continued*).*Another example of a valid ballot.*

DIRECTIONS TO VOTERS

To be posted outside and in each compartment of the poll.

Vote by placing the figure 1 or the sign of a cross (X) in the square opposite the name of your first choice; the figure 2 opposite the name of your second choice; the figure 3 opposite the name of your third choice; and so on. You may thus express as many choices as there are candidates.

If you spoil this ballot inadvertently, you may return it to the deputy-returning-officer and obtain another in its place.

One example of a valid ballot.

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|---|
| | Arcand, Joseph, Trader, 1418 St. Hubert Street, Montreal. |
| | Beauchamp, Hector, Engineer, 14 Berri Street, Montreal. |
| 5 | Candlish, John, Dairyman, 10 Ann Street, Montreal. |
| | Desbiens, Joseph, Master Painter, 44 Dandurand Street, Montreal. |
| | Eaves, Henry, Clerk, 318 Peel Street, Montreal. |

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|--|
| 4 | Guenette, Jean, Broker, 33 Ste. Famille Street, Montreal. |
| | Lauzon, Zotique, Gentleman, 333 Plessis Street, Montreal. |
| | Liverman, Moses, Haberdasher, 1115 Craig Street, Montreal. |
| 3 | Martel, Jean Baptiste, Photographer, 33 Mount Royal Avenue, Montreal. |
| | Nadeau, Louis, Physician, 332 Laval Avenue, Montreal. |
| | Osler, James, Laborer, 18 Shuter Street, Montreal. |
| 1 | Perras, Donat, Grocer, 42 St. Dominique, Street, Montreal. |
| | Shea, Albert, Butcher, 193 Rivard Street, Montreal. |

| Mark Order of Preferences in Squares below. | NAMES OF CANDIDATES |
|---|--|
| | Stafford, Fred., Manager, 375 Stanley Street, Montreal. |
| 2 | Viau, Thomas, Jeweller, 1418 McCord Street, Montreal. |

FORM No. 12 (*Continued*).

INSTRUCTIONS TO VOTERS

To be posted outside and in each compartment of the poll.

The elector, on receiving the ballot-paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot-paper with a pencil, and deal with it in the following manner:

He shall place on his ballot-paper the figure "1" in the space opposite the name of the candidate of his first choice; provided that should an elector mark a cross opposite the name of not more than one candidate and should he not have placed the figure "1" opposite the name of any candidate, then such cross shall be held as equivalent to the figure "1" and as indicating the candidate of the elector's first choice.

He may in addition, if he wishes to express also a second, third or other choices, place on his ballot-paper the figure "2" opposite the name of his second choice, the figure "3" opposite the name of his third choice, and so on in the order of his preference. He may thus express as many choices as there are candidates.

Thereafter he shall fold the ballot-paper so that the initials of the deputy-returning-officer endorsed on the back may be seen without unfolding it, and shall hand it to the deputy-returning-officer who shall, by examination of his initials without unfolding it and of the printed number on the annex, ascertain that such ballot-paper is that supplied by him to the elector, and after having detached the annex he shall immediately and in the presence of the elector place the ballot in the ballot-box.

If the elector inadvertently spoils the ballot-paper, he may return it to the deputy-returning-officer who shall give him another ballot-paper in its place.

No. 13.

Form mentioned in article 129.

COMMISSION OF A POLL-CLERK

To I. J., (*insert his occupation and residence*).

Know you that, in my capacity of deputy-returning-officer for the polling-division No.....in the city of Montreal, I have appointed and hereby appoint you to be poll-clerk, for the said polling-division No.....

Given under my hand, at.....this.....
.....day of the month of.....
in the year

(Signature)

G. H.,
Deputy-Returning-Officer.

No. 14.

Form mentioned in article 129.

OATH OF A POLL-CLERK

I, the undersigned, I. J., appointed poll-clerk for the polling-division No....., in the city of Montreal, do solemnly swear (*or affirm*) that I will act in my said capacity of poll-clerk, and also in that of deputy-returning-officer, if required to act as such, according to law, faithfully and without partiality, fear, favor, or affection. So help me God.

(Signature)

I. J.
Poll-clerk.

No. 15

Form mentioned in article 129.

CERTIFICATE OF A POLL-CLERK HAVING TAKEN THE OATH

I, the undersigned, hereby certify that, on the day of the month of.....19 , I. J., poll-clerk for polling-division No.....of the city of Montreal, took and subscribed before me the oath of office required of a poll-clerk.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,
Justice of the peace.
or A. B.,
Returning-Officer.
or G. H.,
Deputy-Returning-Officer.

No. 16.

*Form mentioned in article 131.*COMMISSION OF A POLL-CLERK, BY POLL-CLERK ACTING AS
DEPUTY-RETURNING-OFFICERTo....., of (*insert his residence and occupation*),

Know you that, in my capacity of acting deputy-returning-officer, for the polling-division No..... in the city of Montreal, in consequence of the decease (*or incapacity to act, as the case may be*) of the deputy-returning-officer for the said polling-division whose poll-clerk I was, I have appointed and do hereby appoint you to be poll-clerk for the polling district No.....

Given under my hand at.....this.....
day of the month of.....in the year 19..

(Signature)

I. J.,
Poll-clerk.
acting as
Deputy-Returning-Officer.

No. 17.

Form applying to article 148.

OATH OF AGENT OF A CANDIDATE

I, the undersigned, G. H., agent for (*or elector representing, as the case may be*) J. K., one of the candidates at the election now pending for a councillor in the city of Montreal, solemnly swear (*or affirm*) that I will keep secret the names of the candidates for whom any of the voters, at the poll in the polling-division No..... in the city of Montreal, may have marked his ballot-paper in my presence, at this election. So help me God.

(Signature)

G. H.,

Sworn (*or affirmed*) before me, at.....this
.....day of.....19....

(Signature)

A. B.,
Deputy-Returning-Officer.
or C. P.,
Justice of the Peace.

No. 18.

Form mentioned in article 139.

POLL-BOOK

| Numbers or Voters. | |
|--------------------|---|
| | NAMES OF THE VOTERS. |
| | |
| | Their occupation. |
| | Their place of residence. |
| | Owners. |
| | Ratepayers only. |
| | 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 presiding-officer. |
| | General remarks. |

No. 19.

Form mentioned in article 162.

OATH OF AGENT OF A CANDIDATE, WHO ALONE ACTS IN
ASSISTING AT THE MARKING OF A BALLOT-PAPER.

I, the undersigned, G. H., agent, by special authorization, for J. K., one of the candidates at the election now pending for councillor, in the city of Montreal, solemnly swear (*or affirm*) that I will keep and assist in keeping and maintaining secret the names of the candidates for whom any of the voters at the poll in the polling-division No. . . . in the city of Montreal, has marked his ballot-paper in my presence, at this election, and that I will not communicate at any time to any person any information obtained in the interior of this poll as to the name of the candidate for whom an elector intends to vote or has voted. So help me God.

(Signature)

G. H.

Sworn (*or affirmed*) before me, at.
this day of. 19. . . .

(Signature)

A. B.,
Deputy-Returning-Officer.

or C. P.,
Justice of the Peace.

No. 20.

Form mentioned in article 180.

OATH OF THE DEPUTY-RETURNING-OFFICER AFTER THE
CLOSING OF THE POLL

I, the undersigned, deputy-returning-officer for the polling division No. of the city of Montreal, do solemnly swear (*or affirm*) that, to the best of my knowledge and belief, the poll-book kept for such polling-division, under my direction, has been so kept correctly, and that the total number of votes polled, and recorded in the 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-division, 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, packet 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 will also 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.

(Signature)

G. H.,
Deputy-Returning-Officer

Sworn (or affirmed) before me, at..... this
.....day of.....19....

(Signature)

X. Y.,
Justice of the Peace.

or A. B.,
Returning-Officer.

or I. J.,
Poll-clerk.

No. 21.

Form mentioned in article 180.

OATH OF THE POLL-CLERK AFTER THE CLOSING OF THE POLL

I, the undersigned, poll-clerk for the polling-division No..... of the city of Montreal, do solemnly swear (or affirm) that the poll-book in and for this polling-division, 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 polled in this book, is; and, 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-division, as the votes were taken at this poll by the deputy-returning-officer.

(Signature)

I. J.,
Poll-clerk.

Sworn (or affirmed) and signed before me, at.....
this..... day of the month of....., in the year
19....

(Signature)

X. Y.,
Justice of the Peace.
or A. B.,
Returning-Officer.
or G. H.,
Deputy-Returning-Officer.

No. 22.

Form mentioned in article 297.

CANADA,
PROVINCE OF QUEBEC }
District of

COURT

..... 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 celerity.

(Signature)

M. N.,

Sworn (or affirmed) before me, }
at..... this..... day of }
the month of..... 19.... }

(Signature)

P. S.,
Justice of the Peace.

No. 23.

Form mentioned in article 359.

FORM OF BALLOT-PAPER

| | |
|---|---|
| <p>MONTREAL,.....19.....</p> | <p>FOR THE BY-LAW</p> |
| <p>Voting on by-law to (<i>here insert ob- ject of the by-law</i>) approved by the council of the city of Montreal on the day.....19.....</p> | <p>X AGAINST THE BY-LAW</p> |

ANNEX.

No.

The Initials of the Deputy-Returning-Officer should be placed here.

Ici doivent être mises les initiales du sous-officier-rapporteur.

No. 24.

Form mentioned in article 363.

DECLARATION OF REPRESENTATIVE

I, the undersigned, A. B., solemnly declare that I am desirous of promoting (or opposing as the case may be) the passing of the by-law to (*here insert object of the by-law*) now submitted for the approval of the real estate owners (or as the case may be) of this city.

(Signature)

A. B.,

Made and declared before me, at Montreal, this
.....day of.....19....

L. O. D.,
City clerk.

or A. C. (*as the case may be*)
Deputy Returning Officer.

No. 25.

Form mentioned in article 477.

NOTICE TO RATE-PAYERS

Public notice is hereby given that the valuation and assessment roll of the city of Montreal, for the said city; (or tax roll, as the case may be, or any special roll of assessment, specifying the purposes for which such roll or rolls are made) is completed, and is now deposited in the office of the undersigned, in the City Hall.

All persons whose names appear therein as liable for the payment of any tax or assessment, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

City Hall,

Montreal (date).

(Signature)

H. S.,
City Treasurer.

No. 26.

Form mentioned in article 478.

NOTICE FOR THE COLLECTION OF TAXES, ETC.

CORPORATION OF MONTREAL

CORPORATION OF MONTREAL

Mr.

To the City of Montreal

(Copy of account)

Mr.

Dr.

To taxes or assessments,

Notice Served.

(Copy of account.)

(Date of Notice).

\$

Costs

\$

Sir,

Notice,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by law (or by public notice, *as the case may be*), you are hereby required within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below; in default whereof execution will issue against your goods and chattels.

City Hall,
Montreal, (date).

Costs \$

Notice,

(Signature) H. S.

City Treasurer.

No. 27.

Form mentioned in article 478.

WARRANT OF SEIZURE

Province of Québec.
City of Montreal.

{ IN THE RECORDER'S COURT
{ OF THE CITY OF MONTREAL.

GEORGE V, *by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, defender of the faith, Emperor of India.*

| | | |
|---------------|----|--|
| Debt.....\$ | | |
| Interest..... | | |
| Costs..... | | |
| Warrant..... | | |
| | \$ | |

To any bailiff of the Recorder's Court of the City of Montreal.

Whereas, A. B. (*name and designation of debtor*) hath been required by the city-treasurer, to pay into his hands, for and on behalf of the city, the sum of, being the amount due by him to the city, as appears by the valuation and assessment roll, for the year 19....., (*or tax roll or special assessment roll, as the case may be*) and whereas the said A. B., hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B., and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the city treasurer, sell the goods and chattels so by you detained, and do pay the money arising from such sale unto the city treasurer, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern; and, if no such distress can be found, then

that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under the hand of the Clerk
of the Recorder's Court, at Mont-
real,..... this..... day of..... } X. Y.,
in the year } Clerk of the
Recorder's Court.

No. 28.

Form mentioned in article 481.

NOTICE OF SALE OF GOODS AND CHATTELS

Public notice is hereby given, that on....., the goods and chattels of the persons hereinafter named and designated, now under seizure for non-payment of assessments (*or other dues or taxes as the case may be*), will be sold by public auction, at the hours and places hereinafter mentioned, to wit:

| NAMES | AMOUNT | PLACE OF SALE NO. STREET | HOURL OF SALE |
|-------|--------|-----------------------------|---------------|
| | | | |

(Signature)

A. B.,

*Bailiff of the Recorder's Court of
the City of Montreal,*

City Hall,
Montreal (*date*)

No. 29.

Form mentioned in article 494.

NOTICE OF SALE OF IMMOVEABLES

PUBLIC NOTICE is hereby given that the immoveable properties hereinafter mentioned, and more particularly described in a Schedule filed in my office on the day of 19... will be sold by me, at my office, in the city of Montreal, on the day of 19... at ten o'clock in the forenoon upon a claim by the city of Montreal for taxes and assessments due as detailed in such Schedule.

| Schedule No. | Cadastral Number | Street. | Assessed or taxed Persons | Amount claimed. | | Nature of claims. |
|--------------|------------------|---------|---------------------------|-----------------|--|-------------------|
| | | | | | | |

SHERIFF' OFFICE
Montreal

19

(Signature)

Sheriff.

SCHEDULE B

An Act to amend the charter of the city of Montreal

62 Vict., c.
58, art. 7,
am.

1. Article 7 of the act 62 Victoria, chapter 58, as amended by the acts 3 Edward VII, chapter 62, section 2; 7 Edward VII, chapter 63, section 3; 8 Edward VII, chapter 85, section 2; 9 Edward VII, chapter 81, section 2; 1 George V (1st session), chapter 48, section 4; 2 George V, chapter 56, section 2, and 6 George V, chapter 44, section 1, is replaced by the following:

Division
into wards.

"7. 1. The city of Montreal is divided into thirty-five wards respectively designated by the numbers 1 to 35, inclusive; and each of such wards is bounded as follows:

WARD No. 1

Starting from the intersection of the centre of St. Denis and Dorchester streets; thence, following the centre of Dorchester street to the centre of Visitation street; thence, following the centre of Visitation street to the centre of Notre-Dame street; thence, following the centre of Notre-Dame street to the centre of Panet street; thence, following the centre of Panet street to the River St. Lawrence; thence following the bank of the River St. Lawrence as far as the extension of the centre of St. Sulpice street; thence, following the centre of St. Sulpice street to the centre of Place d'Armes Hill; thence, following the centre of Place d'Armes Hill to the centre of Craig street; thence, following the centre of Craig street to the centre of St. Denis street; thence, following the centre of St. Denis street, to the point of departure.

St. Helens' Island, Isle Ronde and Isle Verte shall form part of Ward No. 1;

WARD No. 2

Starting from the intersection of the centres of Notre-Dame and Seigneurs streets; thence, following the centre of Seigneurs street to the centre of the Lachine canal; thence, following the centre of the Lachine canal to the centre of Island street; thence, following the centre of Island street to the centre of the Grand Trunk Railway track; thence, following the centre of the Grand Trunk Railway track to the extension of Magdalen street; thence, following the centre of Magdalen street to the River St. Lawrence; thence, following the bank of the River St. Lawrence to the extension of the centre of McGill street; thence, following

the said extension of the centre of McGill street as far as Notre-Dame street, thence, following the centre of Notre-Dame street, to the point of departure;

WARD No. 3

Starting from the intersection of the centre of St. Antoine and Fulford streets; thence, following the centre of Fulford street to the centre of Notre Dame street; thence, following the centre of Notre-Dame street to the centre of McGill street; thence, following the centre of McGill street to the centre of Craig street; thence, following the centre of Craig street to the centre of St. Antoine street, thence, following the centre of St. Antoine street, to the point of departure;

WARD No. 4

Starting from the intersection of the centre of St. Antoine and Mountain streets; thence, following the centre of Mountain street to the centre of Pine avenue; thence, following the centre of Pine avenue to the centre of Durocher street; thence, following the centre of Durocher street to the centre of Sherbrooke street; thence, following the centre of Sherbrooke street to the centre of City Councillors' street; thence, following the centre of City Councillors' street to the centre of St. Catherine street; thence, following the centre of St. Catherine street to the centre of St. Alexander street; thence, following the centre of St. Alexander street to the centre of Craig street; thence, following the centre of Craig street to the centre of Place d'Armes Hill; thence, following the centre of Place d'Armes Hill as far as the centre of St. Sulpice street; thence, following the centre of St. Sulpice street and its extension to the River St. Lawrence; thence, following the bank of the River St. Lawrence to the extension of the centre of McGill street; thence, following the extension of the centre of McGill street to the centre of Craig street; thence, following the centre of Craig street to the centre of St. Antoine street; thence, following the centre of St. Antoine street to the centre of Mountain street; thence, following the centre of Mountain street, to the point of departure;

WARD No. 5

Starting from the intersection of the centre of St. Catherine and St. Alexander streets; thence, following the centre of St. Alexander street as far as the centre of Craig

street; thence, following the centre of Craig street to the centre of St. Denis street; thence, following the centre of St. Denis street to the centre of St. Catherine street; thence, following the centre of St. Catherine street, to the point of departure;

WARD No. 6

Starting from the intersection of the centre of Sherbrooke and City Councillors' streets; thence, following the centre of City Councillors' street to the centre of St. Catherine street; thence, following the centre of St. Catherine street to the centre of St. Denis street; thence, following the centre of St. Denis street to the centre of Sherbrooke street; thence, following the centre of Sherbrooke street, to the point of departure;

WARD No. 7

Starting from the intersection of the centre of Sherbrooke and St. Denis streets; thence, following the centre of St. Denis street to the centre of Dorchester street; thence following the centre of Dorchester street, to the centre of Visitation street; thence, following the centre of Visitation street to the centre of Sherbrooke street; thence, following the centre of Sherbrooke street, to the point of departure;

WARD No. 8

Starting from the intersection of the centre of Sherbrooke and Visitation streets; thence, following the centre of Visitation street to the centre of Logan street; thence, following the centre of Logan street to the centre of de Lorimier avenue; thence, following the centre of de Lorimier Avenue as far as the centre of Rachel street; thence, following the centre of Rachel street as far as the centre of Papineau avenue; thence, following the centre of Papineau avenue to the centre of Sherbrooke street; thence, following the centre of Sherbrooke street, to the point of departure;

WARD No. 9

Starting from the intersection of the centre of Logan and Visitation streets; thence, following the centre of Visitation street to the centre of Notre-Dame street; thence, following the centre of Notre-Dame street as far as the centre of Panet street; thence, following the centre of Panet street as far as the River St. Lawrence; thence, following the bank of the river St. Lawrence as far as the

extension of deLorimier avenue; thence, following the centre of the extension of deLorimier avenue to the centre of Logan street; thence following the centre of Logan street, to the point of departure;

WARD No. 10

Starting from the intersection of the centre of Ontario street and of deLorimier avenue; thence, following the centre of deLorimier avenue and of its extension to the river St. Lawrence; thence, following the bank of the river St. Lawrence to the extension of the centre of Malborough street; thence, following the extension of the centre of Malborough street to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of Ontario street; thence, following the centre of Ontario street, to the point of departure;

WARD No. 11

Starting from the intersection of the centre of the Lachine canal and of Atwater street; thence, following the centre of Atwater street to the southwest limits of the city; thence, along the said limits and the River St. Lawrence to the centre of the extension of Magdalen street; thence, following the centre of the extension of Magdalen street as far as the centre of the Grand Trunk Railway track; thence, following the centre of the Grand Trunk Railway track to the centre of Island street; thence, following the centre of Island street as far as the Lachine canal; thence, following the centre of the Lachine canal, to the point of departure;

WARD No. 12

Starting from the intersection of the centre of St. Antoine and Bourget streets; thence, following the centre of Bourget street as far as the centre of the Lachine canal; thence, following the centre of the Lachine canal to the centre of Seigneurs street; thence, following the centre of Seigneurs street to the centre of Notre-Dame street; thence, following the centre of Notre-Dame street to the centre of Fulford street; thence, following the centre of Fulford street to the centre of St. Antoine street; thence, following the centre of St. Antoine street, to the point of departure;

WARD No. 13

Starting from the intersection of the centre of the exten-

sion of Shakespeare road and the northwest limit of the city of Westmount; thence, following the said limit to its intersection with the centre of Atwater and St. Antoine streets; thence, following the centre of St. Antoine street to the centre of Mountain street; thence, following the centre of Mountain street to the centre of Pine avenue; thence, following the centre of Pine avenue to the centre of Park avenue; thence, following the centre of Park avenue to the centre of Duluth avenue; thence, following the centre of Duluth avenue to the centre of Esplanade avenue; thence, following the centre of Esplanade avenue to the centre of Mount Royal avenue; thence, following the centre of Mount Royal avenue to the northwest boundary of Mount Royal Park; thence, following the said boundary of Mount Royal Park to the centre of the Shakespeare road; thence, following the centre of the Shakespeare road, to the point of departure;

WARD No. 14

Starting from the intersection of the centre of Duluth avenue and of Park avenue; thence, following the centre of Park avenue to the centre of Pine avenue; thence, following the centre of Pine avenue to the centre of Durocher street, thence, following the centre of Durocher street to the centre of Sherbrooke street; thence, following the centre of Sherbrooke street to the centre of St. Denis street; thence, following the centre of St. Denis street as far as the centre of Duluth avenue; thence, following the centre of Duluth avenue, to the point of departure;

WARD No. 15

Starting from the intersection of the centre of Duluth avenue and of St. Denis street; thence, following the centre of St. Denis street to the centre of Sherbrooke street; thence, following the centre of Sherbrooke street to the centre of Papineau avenue; thence, following the centre of Papineau avenue to the centre of Rachel street; thence, following the centre of Rachel street to the centre of Lafontaine Park street; thence, following the centre of Lafontaine Park street to the centre of Duluth avenue; thence, following the centre of Duluth avenue, to the point of departure;

WARD No. 16

Starting from the intersection of the centre of Rachel

street and of deLorimier avenue; thence, following the centre of deLorimier avenue to the centre of Ontario street; thence, following the centre of Ontario street to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of Iberville street; thence, following the centre of Iberville street to the centre of Rachel street; thence, following the centre of Rachel street, to the point of departure;

WARD No. 17

Starting from the intersection of the centre of the homologated St. Joseph Boulevard and the centre of Iberville street; thence, following the centre of Iberville street to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of Ontario street; thence, following the centre of Ontario street to the centre of Orléans street; thence following the centre of Orléans street to the centre of the homologated St. Joseph Boulevard; thence, following the centre of the said Boulevard, to the point of departure;

WARD No. 18

Starting from the intersection of the centre of the Canadian Pacific Railway track and the centre of Ontario street; thence, following the centre of the Canadian Pacific Railway track to the centre of Malborough street; thence, following the centre of Malborough street to the river St. Lawrence; thence, following the bank of the river St. Lawrence to the centre of the extension of Jeanne d'Arc avenue; thence, following the extension of the centre of Jeanne D'Arc avenue to the centre of Notre-Dame street; thence, following the centre of Notre-Dame street to the centre of Orléans street; thence following the centre of Orléans street to the centre of Ontario street; thence, following the centre of Ontario street, to the point of departure;

WARD No. 19

Starting from the intersection of the centre of Orléans and Armand streets; thence, following the centre of Orléans street to the centre of Notre-Dame street; thence, following the centre of Notre-Dame street to the centre of Jeanne D'Arc street; thence, following the centre of Jeanne D'Arc street to the river St. Lawrence; thence, following the bank of the river St. Lawrence to the centre of the extension

of First avenue; thence, following the centre of the extension of First avenue to the centre of Armand street; thence, following the centre of Armand street, to the point of departure;

WARD No. 20

1. Starting from the intersection of the centre of Armand street and First avenue; thence, following the centre of First avenue to the river St. Lawrence; thence, following the bank of the river St. Lawrence to the southwest limit of the municipality of St. Jean de Dieu; thence, following the said limit to the northwest limit of the city of Montreal; thence, following the said limit to the centre of Poulin street; thence, following the centre of Poulin street to the centre of Masson street; thence, following the centre of Masson street to the centre of First avenue; thence, following the centre of First avenue, to the point of departure; and

2. Starting from a point "A" on the northwest bank of the river St. Lawrence at the intersection of lots Nos. 333 and 332 of the parish of Longue-Pointe; thence, in a northwest direction following the northeast limit of the municipality of St. Jean de Dieu to the northwest limit of the city of Montreal; thence, following the said limit to the southwest limit of the town of Montreal East; thence, following the said limit to the river St. Lawrence; thence, following the bank of the river St. Lawrence, to the point of departure;

WARD No. 21

Starting from the intersection of the centre of the Lachine Canal and the centre of Atwater street; thence, following the centre of Atwater street to the northwest limit of the city of Verdun; thence, following the said limit, to the northeast limit of the town of Lasalle; thence, following the said limit, to the centre of the Lachine Canal; thence, following the centre of the Lachine Canal, to the point of departure;

WARD No. 22

Starting from the intersection of the limit of the city of Westmount with the centre of the extension of St. Rémi street; thence, following the centre of the extension of St. Rémi street to the southeast side of the Grand Trunk Railway track; thence, following the said limit of the Grand

Trunk Railway track to the intersection of the centre of the *rivière St. Pierre*, and the southeast side of the Grand Trunk Railway yard; thence, following the centre of the *rivière St. Pierre*, to the centre of the Côte St. Paul road; thence, following the centre of the Côte St. Paul road to the centre of the Lachine canal; thence, following the centre of the Lachine canal to the extension of the centre of Bourget street; thence, following the centre of the extension of Bourget street to the centre of St. Antoine street, thence, following the centre of St. Antoine street to the centre of Rose de Lima street; thence, following the centre of Rose de Lima street to the southeast limit of the city of Westmount; thence, following the said limit, to the point of departure;

WARD No. 23

Starting from the intersection of the centre of the Côte St. Luc road and the stream (the present limit of the city of Montreal); thence, following the said limit and the southwest limit of the city of Montreal (being the northeast limit of the town of Montreal West), to the centre of the Lachine canal; thence, following the centre of the Lachine canal to the centre of the extension of the Côte St. Paul road, to the centre of the *rivière St. Pierre*, thence, following the centre of the *rivière St-Pierre*, to the intersection of the said centre of the *rivière St-Pierre*, with the southeast side of the Grand Trunk Railway yard; thence, following the said southeast side of the Grand Trunk Railway yard to the centre of St. Rémi street; thence, following the centre of St. Rémi street and its extension, and following the southwest limit of the city of Westmount to the intersection of the limits of the city of Westmount and the former town of Notre-Dame de Grâces; thence, following the former limit of the town of Notre-Dame de Grâces to the centre of the Côte St. Luc road; thence, following the centre of the Côte St. Luc road, to the point of departure;

WARD No. 24

Starting from the intersection of the centre of the extension of Shakespeare road and the limits of the city of Westmount, following the said limit of the city of Westmount, and the limits of the former towns of Notre-Dame de Grâces, Côte des Neiges and Notre-Dame des Neiges, and of Mount-Royal Park, to the centre of Shakespeare

road; thence, following the said centre of Shakespeare road, to the point of departure;

WARD No. 25

Starting from the intersection of Mount-Royal avenue and Esplanade street; thence, following the centre of Esplanade street to the centre of Duluth avenue; thence, following the centre of Duluth avenue to the centre of Parc Lafontaine street; thence, following the centre of Parc Lafontaine street to the centre of Rachel street; thence, following the centre of Rachel street to the centre of Lanaudière street; thence, following the centre of Lanaudière street to the centre of Mount-Royal avenue; thence, following the centre of Mount-Royal avenue, to the point of departure;

WARD No. 26

Starting from the intersection of the centre of the extension of Laurier avenue and the northeast limit of the city of Outremont; thence, following the said limit to the centre of Mount-Royal avenue; thence, following the centre of Mount-Royal avenue to the centre of Henri-Julien avenue; thence, following the centre of Henri-Julien avenue to Laurier avenue; thence, following Laurier avenue, to the point of departure;

WARD No. 27

Starting from the intersection of the centre of Henri-Julien avenue and the centre of the Canadian Pacific Railway track; thence, following the centre of Henri-Julien avenue to the centre of Mount-Royal avenue; thence, following the centre of Mount-Royal avenue to the centre of Lanaudière street; thence, following the centre of Lanaudière street to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track, to the point of departure;

WARD No. 28

Starting from the intersection of the centre of Lanaudière street and the Canadian Pacific Railway track; thence, following the centre of Lanaudière street to the centre of Rachel street; thence, following the centre of Rachel street to the centre of Iberville street; thence, following the centre of Iberville street to the centre of the

Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track, to the point of departure;

WARD No. 29

Starting from the intersection of the centre of the extension of Bernard street and the northeast limit of the city of Outremont; thence, following the said limit to the centre of Laurier avenue; thence, following Laurier avenue to the centre of Henri-Julien avenue; thence, following the centre of Henri-Julien avenue to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of the extension of Bernard street; thence, following the centre of the extension of Bernard street, to the point of departure;

WARD No. 30

Starting from the intersection of the centre of Hopper street and the northeast limit of the town of Mount Royal; and thence, following the said limit, to the limit of the city of Outremont; thence, following the said limit to the centre of Bernard street; thence, following the centre of Bernard street to the centre of the Canadian Pacific Railway Track; thence, following the centre of the Canadian Pacific Railway track to the centre of Henri-Julien avenue; thence, following the centre of Henri-Julien avenue to the centre of Mozart street; thence, following the centre of Mozart street to the centre of Drolet street; thence, following the centre of Drolet street to the centre of the extension of Isabeau street; thence, following the centre of the extension of Isabeau street to the centre of St. Lawrence Boulevard; thence, following the centre of St. Lawrence Boulevard to the centre of Baby street; thence, following the centre of Baby street to the centre of Hopper street; thence, following the centre Hopper street, to the point of departure;

WARD No. 31

Starting from the intersection of the centre of Mozart street and Henri-Julien avenue; thence, following the centre of Henri-Julien avenue to the centre of the Canadian Pacific Railway track; thence following the centre of the Canadian Pacific Railway track to the centre of the extension of Lanaudière street; thence, following the centre of the extension of Lanaudière street to the centre of Bélanger street; thence, following the centre of Bélanger street to the centre of Drolet street; thence, following the centre of Drolet street to the centre of the extension of

Mozart street; thence, following the centre of the extension of Mozart street, to the point of departure;

WARD No. 32

Starting from the intersection of the centre of la Côte St. Michel (Boulevard Crémazie) and Lanaudière street; thence, following the centre of Lanaudière street to the centre of Castelnau street; thence, following the centre of Castelnau street to the centre of Lanaudière street; thence, following the centre of Lanaudière street to the intersection of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of the extension of Maple street; thence, following the centre of the extension of Maple street to the centre of des Carrières street; thence, following the centre of des Carrières street to the centre of Parthenais street; thence, following the centre of Parthenais street to the centre of Augier street, thence, following the centre of Augier street to the centre of Parthenais street; thence, following the centre of Parthenais street to the northwest limit of the city of Montreal; thence, following the said limit to the centre of the Côte St. Michel road; thence, following the centre of the Côte St. Michel road, to the point of departure;

WARD No. 33

Starting from the intersection of the centre of Parthenais street and the northwest limit of the city; thence, following the centre of Parthenais street to the centre of Augier street; thence, following the centre of Augier street to the centre of Parthenais street; thence, following the centre of Parthenais street to des Carrières street; thence, following des Carrières street to the centre of Maple street, thence, following the centre of Maple street to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of the homologated St. Joseph Boulevard; thence, following the centre of the homologated St. Joseph Boulevard to the centre of Orléans street; thence, following the centre of Orléans street to the centre of Armand street; thence, following the centre of Armand street to the centre of First avenue; thence, following the centre of First avenue to the centre of Masson street; thence, following the centre of Masson street, to the centre of Poulin street; thence, following the centre of Poulin street to the northwest limit of the city of Montreal; thence, following the said limit, to the point of departure;

WARD No. 34

Starting from the intersection of the centre of Lamarche street and St. Lawrence Boulevard; thence, following the centre of St. Lawrence Boulevard to the centre of Crémazie Boulevard; thence, following the centre of Crémazie Boulevard to the centre of the Canadian Pacific Railway; thence, following the centre of the Canadian Pacific Railway track to the centre of Baby street; thence following the centre of Baby street to the centre of St. Lawrence Boulevard; thence, following the centre of St. Lawrence Boulevard to the centre of Isabeau street; thence, following the centre of Isabeau street and of its extension to the centre of Drolet street; thence, following the centre of Drolet street to the centre of Bélanger street; thence, following the centre of Bélanger street to the centre of Lanaudière street; thence, following the centre of Lanaudière street to the centre of Castelnau street; thence, following the centre of Castelnau street to the centre of Lanaudière street; thence, following the centre of Lanaudière street to the centre of the Cote St. Michel road; thence, following the centre of Côte St. Michel road to the southwest limit of the town of St. Michel de Laval; thence, following the said southwest limit of the town of St. Michel de Laval to the centre of Charton street; thence, following the centre of Charton street to the centre of Taschereau street; thence, following the centre of Taschereau street to the centre of the extension of Sauriol street (43rd); thence, following the said centre of Sauriol street and its extension to the centre of Laverdure street; thence, following the centre of Laverdure street to the centre of the extension of Lamarche street; thence, following the centre of the extension of Lamarche street, to the point of departure;

WARD No. 35

Starting from a point at the intersection of Hopper avenue with the southwest limit of the city of Montreal, and following the limits of the city of Montreal to the Rivière des Prairies; thence, following the bank of the Rivière des Prairies to the limit between the city of Montreal and the town of Montreal North; thence, following the limit between the city of Montreal, the town of Montreal North and the town of St. Michel de Laval to the centre of Charton street; thence, following the centre of Charton street to the centre of Taschereau street; thence, following the centre of Taschereau street to the extension of Sauriol street (43rd); thence, following the centre of the extension of Sauriol street to the centre of Laverdure

street; thence, following the centre of Laverdure street to the centre of the extension of Lamarche street; thence, following the centre of the extension of Lamarche street to the centre of St. Lawrence Boulevard; thence, following the centre of St. Lawrence Boulevard to the centre of Crémazie Boulevard; thence, following the centre of Crémazie Boulevard to the centre of the Canadian Pacific Railway track; thence, following the centre of the Canadian Pacific Railway track to the centre of Baby street; thence, following the centre of Baby street and Hopper avenue, to the point of departure.

The following islands in the Rivière des Prairies are included in ward 35, namely: Isle de la Visitation, Isle aux Pins, Isle aux Sergents, Isle du Cheval de Terre and the island bearing the No. 2635 of the parish of St. Laurent.

Interpre-
tation.

2. The word "ward" or "wards" wherever they appear in the charter of the city shall mean, as the case may be, one or more of the above wards, unless the context requires a different meaning."

6 Geo. V, c.
44, art. 2,
repealed.

2. Article 2 of the act 6 George V, chapter 44, is repealed.

62 Vict., c.
58, art. 21,
replaced.

3. Article 21 of the act 62 Victoria, chapter 58, as replaced by the act 9 Edward VII, chapter 82, section 1, and by the act 8 George V, chapter 84, section 10, is again replaced by the following:

Composition
of council.

"21. The city of Montreal shall, from and after the general municipal elections in 1921, be governed, subject to the provisions hereinafter mentioned, by a council consisting of the mayor and one alderman for each ward, who shall be elected every two years."

Provisions
repealed.

4. Articles 21*a*, 21*b*, 21*c*, 21*d*, 21*e*, 21*f*, 21*g*, 21*h*, 21*i*, 21*j*, 21*k*, 21*l*, 21*m*, 21*n*, 21*o*, 21*p* and 21*q* of the act 62 Victoria, chapter 58, as enacted by the act 8 George V, chapter 84, section 11, are repealed.

62 Vict., c.
58, arts. 21*a*
—21*s*, enac-
ted.

5. The following articles are inserted in the act 62 Victoria, chapter 58, after article 21:

Powers of
council.
Executive
committee.

"21*a*. The council shall, saving the cases otherwise provided for, exercise all the powers of the city.

"21*b*. The city shall have, as the executive of its government, an executive committee appointed by the council in the manner hereinafter mentioned.

Appoint-
ment of

"21*c*. At the first meeting of the council which shall be held after the general municipal elections of 1921, and, in

future, at the first meeting of the council held after each executive general municipal election, the council shall appoint five of committee. its members, who shall constitute the executive committee.

The executive committee shall have the powers and Powers and duties assigned to it by this charter. duties.

The members of the executive committee shall remain Tenure of in office until replaced in accordance with the provisions of office. this charter.

The members of the executive committee shall retain To retain every seats in the council and have the right to vote on every measure, report or question submitted to the council. council.

The chairman of the executive committee shall be chosen Chairman. by the council at the time of the election of such committee. In the absence of the chairman, another member shall be chosen by the members present to preside at the meeting.

Every vacancy in the executive committee, or in the chairmanship thereof, shall be filled by the council within Vacancies. thirty days following the occurrence of such vacancy.

During such vacancy the remaining members may act, provided they form a quorum.

The resignation of a member of the executive committee shall have no effect so long as it is not accepted by the council.

The mayor may not be a member of the executive com- Mayor not mittee. to be

The city clerk shall be the secretary of the executive member. committee. Secretary.

"21d. The executive committee shall adopt, for its Regulations. government and interior economy, regulations, which it may amend from time to time, but which must not be contrary to those of the council.

"21e. 1. The executive committee may prepare and submit to the council: What com- mittee may submit to council.

a. the annual budget and the supplementary budget;

The annual budget must be filed in the clerk's office on or before the 1st of December, and the supplementary budget on or before the 1st of June;

b. every demand for the appropriation of the proceeds of loans and for any other credit required;

c. all the by-laws;

d. every demand for a transfer of funds or credits already voted;

e. every report on the taxes, permits or licenses that may be imposed;

f. every report recommending the granting of franchises and privileges;

g. every report relating to the sale, the exchange of property or leasing of the same by emphytheutic lease;

h. every other report, the object whereof has not been declared to be under the exclusive jurisdiction of the executive committee.

Council must submit matters to committee.

Every matter within the jurisdiction of the council, except cases in which it is otherwise prescribed, must be submitted to the executive committee for report to the council, and, if the committee does not report to the council, the latter cannot act.

Approval, etc., of reports by council.

2. The reports of the executive committee made, under the above sub-paragraphs *a, b, c, d, e, f* and *g* must be approved by the majority of all the members of the council and may be amended or rejected only by the same majority.

Rejected reports may be again submitted.

3. If one of these reports be rejected by the council, such report, whether amended or not, may be again submitted to the council by the executive committee at any time.

Expenditure of funds.

4. Except in cases where it is otherwise provided for, the credits voted by the council, either by the budget or out of the proceeds of the loans or otherwise, shall remain at the disposal of the executive committee, which must see to their being used for the purposes for which they were voted, without further approval from the council.

Contracts to be submitted.

5. The executive committee must submit to the council every draft contract authorizing an expenditure of more than five thousand dollars, and, when approved by the council, such contract shall be signed by the chairman of the executive council and by the clerk in the name of the city.

Except those for less than \$5,000.

6. The executive committee shall grant the contracts entailing an expenditure of not more than five thousand dollars without the approval of the council, and such contracts shall be signed by the chairman of the executive council and by the clerk in the name of the city.

Payment of sums due.

7. The executive committee shall authorize the payment of all sums due by the city according to the formalities defined by this charter, and under the restrictions and conditions contained therein.

Carrying out of law, etc.

8. The executive committee must see that the law, the municipal by-laws and the city's contracts be faithfully observed and fulfilled.

Plans and specifications etc.
Quorum.

9. The executive committee shall see to the preparation of plans and specifications, and to the calling for tenders.

"21*f.* The quorum of the executive committee shall be three members.

The chairman of the committee shall have but one vote as member.

"21g. Every report and every resolution of the executive committee must be signed by the chairman and the secretary of the committee. Signatures of reports.

"21h. The council may, except in cases where it is otherwise provided, upon a majority vote of the members present, amend, reject or adopt a report of the executive committee. Adoption, of reports by council.

"21i. Every communication between the council and the various departments shall be effected through the executive committee, and the council must always, in its dealings with the executive committee, act by resolution. Executive committee to deal with departments.

Every communication between the executive committee and the various departments must be effected through the director of departments. Through the director of departments.

"21j. During the thirty days following the first meeting of the council, to be held after the general municipal elections in 1921, or at the same meeting, the council shall appoint a director of departments, who shall have the powers and duties assigned to him by this charter. Until his appointment the council may not adopt any report or by-law. Director of departments.

Every vacancy in the office of director of departments shall be filled by the council within thirty days from the occurrence of such vacancy. Vacancy.

Until the director of departments is appointed, or until he is replaced, in the case of a vacancy, the council shall appoint a provisional director of departments, who may be one of the heads of departments, and his powers shall cease at the expiration of the said delay of thirty days. Provisional director.

The appointment, suspension or dismissal, as well as the salary of the director of departments, shall be decided only by the vote of the absolute majority of the council, without a previous report to the executive committee. Appointed, etc., by council.

The director of departments must devote all his time to the service of the city on working days. He may not have any other duty or employment, nor any other remunerative occupation, nor have any direct or indirect interest, in any capacity whatsoever, in any public utility company operating any service whatever in the city, nor in any contract in which the city is interested. Duties, etc.

The director of departments must discharge all the duties assigned to him by the executive committee.

The director of departments must attend all the sittings

of the executive committee, and shall be entitled to take part in its deliberations, but not to vote.

To be
replaced in
absence.

"21k. In the absence of the director of departments, through illness or other cause, the council must, by an absolute majority of all its members, appoint a competent person to replace him during such absence. Such substitute may be a head of any of the departments.

Right of
supervision
of exec.
committee.

"21l. The executive committee shall have the right of supervision over all the heads of departments, with the exception of the clerk, the chief attorney, the comptroller and the assessors.

Appoint-
ment, etc.,
of heads of
depart-
ments.

"21m. All heads of departments, except the clerk, the chief attorney, the comptroller, and the assessors, and their subordinates, who are exclusively under the control of the council, shall be appointed, suspended or dismissed by the council on a report of the executive committee. Such report may not be amended. It may be rejected only by the absolute majority of the council.

Tenders.

"21n. Tenders must be called for in all cases where the expenditure to be incurred exceeds two thousand five hundred dollars, except where it is otherwise decided on a recommendation of the director of departments, approved by the executive committee and the council.

Formalities.

The formalities in connection with tenders shall be fixed from time to time by the council, but a delay of at least eight days must be allowed between the date of the publication in the newspapers of the advertisement calling for tenders and the date fixed for receiving the same.

The tenders must in every case be addressed to the executive committee, and be opened at a sitting held at the place and hour specified in the advertisement, and not otherwise.

The head of the department interested, and the tenderers or their representatives, shall have the right to be present when the tenders are opened.

Day labour
in certain
cases.

Nevertheless the council shall retain the power to authorize the executive committee to have municipal works of any kind done by day labour.

Depart-
ments.

"21o. 1. There shall be six administrative departments, namely: the Law Department, the Health Department, the Public Works Department, the Public Safety Department, the Finance Department and the Department of the City Clerk.

The council may, by by-law, on a report from the executive committee, amalgamate or abolish such departments and create others, provided the number of such departments does not exceed six. Abolition, etc., of departments.

The functions and duties of the staffs of such various departments shall be determined by by-law, provided that no such by-law be contrary to the provisions of this charter. Functions and duties.

2. The head of the department of the city clerk shall be the city clerk, and the head of the finance department shall be the city treasurer. Heads of departments.

3. The head of every department, unless it be otherwise provided by this charter, shall be directly responsible to the executive committee for the administration of his department, and the latter may require his verbal or written advice on all matters connected with his department. He shall choose, appoint and replace all his subordinate employees, with the approval of the executive committee. He shall prepare every year the budget for his department, and make out all reports required by the executive committee. To be responsible to exec. committee.

4. Every head of a department who authorizes any expenditure above the sum voted for a specific object under his control and which it is his duty to carry out, or who allows such expenditure to be incurred, shall *ipso facto* be dismissed from his office, unless he proves to the satisfaction of the council that he was led into error by another employee or officer of the city. In such case the said employee or officer shall *ipso facto* lose his position. Heads to lose office in certain cases.

"21 p. 1. The council shall appoint a commission called the Municipal Service Commission, which shall be composed of the heads of the six administrative departments of the city and a representative of the city employees chosen and elected from among them, as provided by by-law of the city. Municipal Service Commission.

2. The members of such commission shall choose one of their members to act as president. President.

3. The duties of the commission shall consist in ascertaining the competence of those who desire to enter the service of the city. The commission alone shall finally decide whether an applicant possesses the competence required for municipal office. Duties.

4. The commission shall enact and publish the regulations, which must be approved by the council on a report of the executive committee, and which must, among other things, provide for,— Regulations.

a. the classification of all employment in the municipal service of the city;

- b. the settling of what matters are to form the subject of examinations for each class of employees. A notice of such examinations shall be posted up in a conspicuous place in the city hall at least ten days beforehand, and shall be published at the same time in at least one English and one French daily newspaper. The commission may also have examinations passed other than the competitive examinations, in the case of the appointment to an employment requiring special and exceptional aptitudes of a scientific, directive, professional or educational character;
- c. making out the list of the persons eligible, on which shall be entered, according to the order of the number of points obtained, the names of those who have passed the examinations. Such lists shall remain in force only during a period of two years, and all interested parties shall have access to them;
- d. the causes of dismissal, suspension and advancement of employees.

Profes-
sional.

5. Advocates, notaries, physicians, civil engineers, architects and chartered accountants, admitted to the service of the city in their professional capacity, shall not be subject to the rules established by the commission with regard to their competence.

Fixing of
salaries.

Wages.

"**21q.** Unless otherwise provided, all salaries shall be fixed by the council on the report of the executive committee. This article shall not apply to the wages of persons working for the city by the hour or by the day, which wages shall be fixed by the executive committee.

Water-
works com-
mission to
remain for
certain time.

"**21r.** Until the council has otherwise decided by the absolute majority of its members, upon a previous report of the executive committee, the water-works commission created by by-law or resolution of the administrative commission of the city of Montreal is maintained in existence."

Vacancies,
etc.

Every vacancy occurring on the commission shall be filled by the council by the absolute majority of its members.

The members now forming part of such commission shall remain in office during the good pleasure of the council.

The commission shall itself appoint its employees, subject to the approval of the executive committee.

Purchasing
and selling
board.

"**21s.** The purchasing and selling board shall form part of the finance department, and be under the control of the city treasurer."

6. Article 22 of the act 62 Victoria, chapter 58, repealed Id., art. 22, by the act 1 George V (1st session), chapter 48, section 17, and again enacted by the act 8 George V, chapter 84, section 12, is replaced by the following:

"22. The mayor shall be the first magistrate of the city. Functions and duties of mayor.
He shall represent it on all ceremonial occasions.

He shall discharge the other duties and exercise the other powers assigned him by law.

He shall, when he deems it advisable, submit observations and suggestions to the council and to the executive committee.

His indemnity shall be ten thousand dollars per annum." Indemnity.

7. Article 23 of the act 62 Victoria, chapter 58, as re- Id., art. 23, placed by the act 8 George V, chapter 84, section 13, is again replaced by the following:

"23. If the mayor fails or refuses, within forty-eight hours after it has been presented to him, to sign any by-law, contract, resolution, obligation, bond or other document which he is called upon to sign by this charter, by a general or special act, or by a by-law or resolution, or, if he be unable to sign the same within the said delay, the chairman of the executive committee, on a certificate from the clerk attesting such fact, may sign it himself in his stead with the same effect." Signature in lieu of mayor's.

8. Article 24 of the act 62 Victoria, chapter 58, as Id., art. 24, replaced by the acts 1 George V (1st session), chapter 48, section 18, and 8 George V, chapter 84, section 14, is again replaced by the following:

"24. The mayor and the members of the council shall be during their term of office *ex-officio* justices of the peace for the city and district of Montreal, and shall be exempt from serving as jurors." Mayor and councillors ex-officio justices of peace.

9. Article 24a of the act 62 Victoria, chapter 58, as Id., art. 24a, enacted by the act 1 George V (2nd session), chapter 60, section 4, and replaced by the act 8 George V, chapter 84, section 15, is repealed.

10. Article 25 of the act 62 Victoria, chapter 58, as Id., art. 25, amended by the act 2 George V, chapter 56, section 3, is replaced by the following:

"25. No person may be nominated for the office of mayor or alderman nor be elected to nor fill such office,— Qualifications for municipal office.

a. if he is not a municipal elector and resides and has resided in the city during the three years immediately preceding the date of his nomination;

b. if he has made an abandonment of his property, either under the provisions of the Code of Civil Procedure or under the Bankruptcy Act, or if a sequestration order has been issued against him on a petition in bankruptcy under the said act, and he has not yet been discharged therefrom;

c. if he avails himself of the provisions of article 1143 of the Code of Civil Procedure;

d. if he has been found guilty of any criminal offence by a court of justice and imprisoned in a common gaol or penitentiary in consequence thereof, or if he has been declared guilty of corrupt or fraudulent practices during the municipal elections, under the provisions of this charter;

e. if he is in holy orders or a minister or professor of any religious sect, or a judge or clerk of any court;

f. if he is a member of the federal or provincial government or of a permanent federal or provincial commission;

g. if he is directly or indirectly a party to any contract, or directly or indirectly interested in a contract with the city, whatever may be the object of such contract;

h. if, as an advocate, he conducts or if the firm to which he belongs, or any of its members, conducts any case against the city before a court of justice, or in connection with an expropriation;

i. if he is a party or interested directly or indirectly in any case, prosecution or claim against the city;

j. if he is in any manner whatsoever obliged to render account of the city revenues or in the service of the city;

k. if he is indebted to the city for taxes for assessments on immoveables or water rates, with the exception of special contributions for local improvements;

l. if he is a director or executive officer of a corporation having a franchise in the city;

m. if, being an alderman, he fails to attend three regular meetings of the council without the permission of the council, except in case of illness."

Id., art. 27.
replaced.

11. Article 27 of the act 62 Victoria, chapter 58, as amended by the act 1 George V (1st session), chapter 48, section 19, is replaced by the following:

Acting-
mayor.

"27. At the first sitting of the council held after the general municipal elections of 1921, and afterwards at the first session of the council held after each general municipal election, the council shall choose an acting-mayor from among its members. The term of the acting-mayor shall be for three months only, and he shall be replaced or reelected at the expiration of every such period.

When there is a vacancy in the office of acting-mayor ^{Vacancy.} the council shall immediately fill such vacancy. The substitute so appointed shall fill the office until the expiration of the term of office of the person whom he replaces.

The acting-mayor has and shall exercise all the powers ^{Powers.} vested by law in the mayor, whenever the mayor is absent from the city or unable to perform the duties of his office.

If the office of mayor becomes vacant, the acting-mayor shall have all the powers of the mayor until the election of the latter's successor."

12. Article 28 of the act 62 Victoria, chapter 58, is ^{Id., art. 28,} repealed. ^{repealed.}

13. Article 29 of the act 62 Victoria, chapter 58, as ^{Id., art. 29,} amended by the act 2 George V, chapter 56, section 4, is ^{repealed.} repealed.

14. Article 30 of the act 62 Victoria, chapter 58, is ^{Id., art. 30,} replaced by the following: ^{replaced.}

"**30.** The mayor or any alderman may resign his office ^{Resigna-} by transmitting his resignation, signed by him, to the ^{tions.} city clerk; but such resignation shall have no effect until it be accepted by resolution of the council.

15. Article 32 of the act 62 Victoria, chapter 58, is ^{Id., art. 32,} replaced by the following: ^{replaced.}

"**32.** No one may exercise the functions of mayor or ^{Qualifica-} alderman unless he possesses at all times the qualifications ^{tions.} required by article 25,—paragraph *k* of said article excepted."

16. Article 33 of the act 62 Victoria, chapter 58, is ^{Id., art. 33,} replaced by the following: ^{replaced.}

"**33.** The mayor or any alderman voting at any meeting ^{Fine for} of the council or of the executive committee, unless duly ^{unqualified} qualified as required by law, shall be liable to a fine of one ^{vote.} hundred dollars for every vote which he gives."

17. Article 36 of the act 62 Victoria, chapter 58, as ^{Id., art. 36,} amended by the act 4 Edward VII, chapter 49, section 1, ^{repealed.} is repealed.

18. Article 37 of the act 62 Victoria, chapter 58, as ^{Id., art. 37,} amended by the act 9 Edward VII, chapter 81, section 3, ^{repealed.} and replaced by the act 4 George V, chapter 73, section 4,

and amended by the act 8 George V, chapter 84, section 16, is repealed.

Id., art. 38,
am.

19. Article 38 of the act 62 Victoria, chapter 58, is amended by adding thereto the following paragraph:

Tenure of
office.

“The mayor or any alderman elected at a by-election, shall remain in office until the expiration of the term of office of the person whom he has replaced.”

Id., art. 39,
replaced.

20. Article 39 of the act 62 Victoria, chapter 58, as replaced by the acts 9 Edward VII, chapter 81, section 4, 1 George V (1st session), chapter 48, section 21, and 6 George V, chapter 44, section 7, is again replaced by the following:

Indemnity
for alder-
men.

“**39.** Every alderman shall receive out of the funds of the city, as an indemnity or compensation for his services during his term of office, an annual sum of one thousand five hundred dollars; provided that there shall be deducted from the indemnity of each alderman a sum of ten dollars for every failure on his part, even with the authorization of the council, to attend a meeting of the council duly convened, whether there be a quorum or not, unless such alderman has been absent on an official mission for the city or through illness.

Additional
indemnity
for members
of executive
committee.

In addition to the above-mentioned indemnity the chairman of the executive committee shall have the right to receive a yearly indemnity of one thousand five hundred dollars, and each of the other members of the committee a yearly indemnity of one thousand dollars.”

Id., art. 40,
replaced.

21. Article 40 of the act 62 Victoria, chapter 58, as replaced by the acts 1 George V (1st session), chapter 48, section 22, and 8 George V, chapter 84, section 17, is again replaced by the following:

Committees.

“**40.** The council may, at any time, appoint committees and entrust them, on its own initiative or upon the request of the executive committee, with the study of or inquiry into any facts, matters or questions which it may deem advisable to submit to them, and such committees shall study or inquire into such facts, matters or questions, and report thereon, provided the attributes of such committees do not come in conflict with the powers conferred on the executive committee, the director of municipal services or the secretary-general, and the other committees created by this charter.”

Id., art. 79,
replaced.

22. Article 79 of the act 62 Victoria, chapter 58, as

amended by the act 3 George V, chapter 54, section 5, is replaced by the following:

"79. The election of the mayor and aldermen of the city shall be held every two years on the first Monday of April, or, if such date be a non-juridical day, then on the next juridical day in accordance with the provisions of this charter. Date of municipal elections.

The first general elections after the general elections of 1921, shall be held in the month of April, 1924." First elections after 1921.

23. The following articles are inserted in the act 62 Victoria, chapter 58, after article 79: Id., arts. 79a and 79b, enacted.

"79a. The polling day for the first general municipal election of the mayor and aldermen shall be on the third Monday of October, 1921, or, if such day be a non-juridical day, then on the next following juridical day; and the mayor and aldermen elected at such elections shall replace the mayor and aldermen then in office, and they shall remain in office until April, 1924, as regards the mayor, until the day when his successor shall have taken the oath of office required by law, and, as regards the aldermen, until the day of the elections. Date of first elections.

All the provisions of the charter concerning general elections shall apply to this election *mutatis mutandis*. Provisions to apply.

"79b. With regard to the first general election mentioned in article 79a, there shall be made by the chairman of the board of assessors, or under his direction, within two months from the coming into force of Schedule B of the act 11 George V, chapter 112, a revision of the list of electors now in force, by adding thereto the name of any elector who under this charter has a right to be inscribed on the list of electors; and such list thus revised shall serve for said election. Revision of list.

The chairman of the board of assessors is also authorized to modify the polling-subdivisions and the list of electors in force at the time of the coming into force of the said Schedule B, so that the polling-subdivisions and the list shall correspond with the division of wards established by the said Schedule B." Polling subdivisions.

24. Article 287 of the act 62 Victoria, chapter 58, as replaced by the act 8 George V, chapter 84, section 18, is again replaced by the following: Id., art. 287, replaced.

"287. In case the mayor should at any time refuse to call a special meeting, when deemed necessary by at least five members of the council or by the executive committee, such members of the council or the executive committee Calling of special meetings on refusal of mayor.

may order the meeting to be called by means of a written requisition to the city clerk, and, on receipt of such requisition, the city clerk shall draw up a notice of such meeting, which he shall forward in the manner indicated in article 286, provided such requisition shall specify the business for which the meeting is called."

Id., art. 290, replaced. **25.** Article 290 of the act 62 Victoria, chapter 58, is replaced by the following:

Who shall
preside at
council
meetings.

"290. The mayor shall preside at all the meetings of the council and shall have a casting-vote, in the case of an equality of votes, but he shall not vote otherwise, except when the majority of all the members is required, when he may vote as a member, but shall have no casting-vote.

If the mayor and acting-mayor are not present, the council shall choose one of its members to preside.

The acting-mayor or any other alderman, presiding at a meeting of the council, shall have the right to vote as a member, but shall not have a casting-vote."

Id., art. 297, repealed. **26.** Article 297 of the act 62 Victoria, chapter 58, is repealed.

Id., art.
299a,
enacted.
Enumera-
tions not
restrictive.

27. The following article is inserted in the act 62 Victoria, chapter 58, after article 299 thereof:

"299a. No enumeration or mention of the powers in this charter shall have the effect of restricting or affecting the general powers of the city conferred by article 299 or by other provisions of the charter, even as regards the matters so enumerated or mentioned."

Id., 300a,
replaced.

28. Article 300a of the act 62 Victoria, chapter 58, as enacted by the act 3 Edward VII, chapter 62, section 24, and replaced by the act 1 George V (second session), chapter 60, section 12, is again replaced by the following:

Cab stands. **"300a.** Notwithstanding paragraph 29 of article 300, the council may, by a mere resolution, authorize the executive committee to establish, fix and change cab-stands from time to time."

Id., art.
300b,
replaced.

29. Article 300b of the act 62 Victoria, chapter 58, as enacted by the act 4 Edward VII, chapter 49, section 8, and replaced by the act 1 George V (1st session), chapter 48, section 30, is again replaced by the following:

Stands on
markets.

"300b. Notwithstanding any law to the contrary, the city may, by simple resolution, authorize the executive committee to designate, change or abolish, from time to time, stands or places to be occupied by traders on the various public markets."

30. Article 336 of the act 62 Victoria, chapter 58, as Id., art. 336, replaced by the acts 1 George V (1st session), chapter 48, replaced. section 34, and 2 George V, chapter 56, section 16, is again replaced by the following:

“336. No by-law or resolution of the council, and no Certificate report or resolution of the executive committee, as to avail- authorizing or recommending the expenditure of any sums of able funds. money, shall be adopted or have any effect until a certificate of the comptroller be produced establishing that there are funds at the disposal of the city for the service and purposes for which said expenditure is proposed.

The council may, however, on a report from the executive committee, make contracts or agreements for the Exception purchase of various supplies for the needs or use of the for contracts different civic departments during a subsequent fiscal for next fis- year, and, in such case, the amount of the said contract or cal year. agreement shall be charged in anticipation against the appropriation of such fiscal year.”

31. Article 336a of the act 62 Victoria, chapter 58, Id., art. as enacted by the act 4 George V, chapter 73, section 10, 336a, is replaced by the following: replaced.

“336a. The city has also power to make, in connection with any other matter within its jurisdiction, Contracts contracts or agreements extending over a period of more for more than one year and entailing an expenditure which is to be than one charged against revenue, provided that such contracts or year. agreements be authorized by an absolute majority of the council on a recommendation of the executive committee. The annual expenses which such contracts or agreements may entail shall be included each year in the annual budget and in the supplementary budget, if required.”

32. Article 337 of the act 62 Victoria, chapter 58, as Id., art. 337, amended by the act 3 George V, chapter 54, section 12, replaced. is replaced by the following:

“337. No contract or agreement shall bind the city Approval of unless it has been approved of by the council or by the contracts. executive committee.

The city shall not be liable for the price or value of work Certificate done, materials supplied, goods or effects furnished of any as to avail- kind whatever, nor for any fees for professional services, able funds. salary, wage or other remuneration, without the special authority of the council or the executive committee, nor unless, in every case, a certificate of the comptroller be produced establishing that there are funds available and appropriated for the particular object for which payment is sought; and no right of action shall exist against the city unless the foregoing formalities be strictly observed, not-

withstanding that the city may have benefitted by any such contract, agreement, work done, materials supplied, or other services rendered."

Id., art. 338, replaced. **33.** Article 338 of the act 62 Victoria, chapter 58, as replaced by the act 1 George V (1st session), chapter 48, section 35, amended by the act 4 George V, chapter 73, section 11, and replaced by the act 8 George V, chapter 84, section 20, is again replaced by the following:

Disqualifi-
cation
penalty for
illegal ex-
penditure.

"338. The mayor or any member of the council or of the executive committee who authorizes, either verbally or in writing, by his vote or tacitly, any expenditure of money exceeding the amount previously voted and legally placed at the disposal of the council or the executive committee, may, at the discretion of the court, according to the gravity of the irregularity or illegality, be either held personally liable therefor and be declared to be disqualified to sit or act in the above capacity, or be declared incapable of being re-elected or re-appointed to any of such offices for a period of two years from the commission of the irregularity or illegality, or be condemned to all such penalties.

Proviso.

And, in any case, the liabilities and disqualifications enacted by this article shall not exist if the executive committee has authorized, ratified or confirmed such expenditure of money as valid and legal, and if its report to that effect has been approved by the council."

Loans to be
approved by
electors.

34. Notwithstanding any act to the contrary, no loan shall be effected or negotiated in future, under articles 343 or 343a of the charter of the city, without the approval of the majority in number and in value of the owners of immoveables who vote thereon, obtained by means of a referendum held in accordance with the provisions of articles 311 and following of the city charter.

Exceptions.

This article shall not apply,—

1. to loans authorized by by-laws adopted by the council previous to the sanction of this act;
2. to the loans required for the enlarging and developing of the water-works and the construction of reservoirs and filtering basins, including the cost of the necessary expropriation;
3. to loans for urgent needs or needs recognized as such by the council, on the recommendation of the executive committee, and provided that such loans shall not in any one year exceed the sum of one hundred thousand dollars.

Every loan by-law which must be submitted to the

proprietors of immoveables, including those authorized by article 348 of the city charter, unless in case of urgency declared to be such by the council, shall be so submitted at the time of the general elections.

35. Article 348 of the act 62 Victoria, chapter 58, as Id., art. 348, replaced by the acts 3 Edward VII, chapter 62, section 32, replaced. and 3 George V, chapter 54, section 15, is again replaced by the following:

“348. The city may also borrow sums of money ^{Loans may be made beyond limit of borrowing power.} beyond the limit of the borrowing-power fixed by the city charter, and, to that end, it may issue bonds, debentures or inscribed stock, but only in virtue of a by-law which shall be approved by the affirmative vote of an absolute majority of all the members of the council on the recommendation previously given of the executive committee, and such by-law shall specify, under pain of nullity,—

1. all the purposes, in detail, for which the loan is to be ^{Contents of by-law.} made;
2. the term of the loan;
3. the rate of interest;
4. the sinking-fund;
5. the place or places of issue, of registration, transfer, payment of the interest and the redemption of the capital at maturity;
6. the form of security to be issued; whether bonds or debentures or inscribed stock, and whether in sterling or currency or otherwise;
7. all other matters of detail connected with the said loans.

By such by-law there shall be imposed on all the taxable ^{Special tax.} immoveables situated in the city a special tax sufficient to meet the interest on the loan and to form a sinking-fund sufficient for repaying the loan at maturity. Such tax, the rate of which shall be fixed each year by resolution of the executive committee, shall be apportioned yearly according to the value of the taxable immoveables, as shown on the valuation roll during the period of the loan, and it shall be entered on the yearly roll of taxes on immoveables.

No such by-law shall have any effect unless it be sub- ^{Approval of by-law.} mitted to the approval of the owners of taxable immovable property in the city limits, whose names are entered on the electors' list in force, which vote shall be taken by ballot in accordance with the provisions of section 13 of this charter, and, if the majority in number and in value of the said owners of immovable property, who thus vote, do not approve of the said by-law it shall be null and have no effect.

This article shall not apply to special loans which are ^{Not to apply}

to certain
special
loans.

declared not to be included in the general borrowing-power of the city."

City
planning
board.

36. The council may, without a previous report from the executive council, create, by by-law, a city planning board, which shall be known under the name of "The City Planning Board of the city of Montreal".

Composition
board.

Such board shall consist of five members, two of whom shall be the director of departments and the director of public works. The three other members shall be chosen from among the citizens, and shall be appointed by a resolution of the council, upon a vote of the absolute majority of its members.

Such three members shall be chosen on account of their knowledge of the art of town planning.

Tenure of
office.

The members of the board shall remain in office at the will of the council, which may cancel their appointment by resolution adopted as aforesaid.

Powers.

The board shall have the powers given it from time to time by a by-law of the council. Such delegated powers must relate only to matters connected with the planning of the city.

Every such by-law shall define the powers and duties of the board, and shall also specify in what cases the executive committee, the director of departments or the other municipal officers shall, before acting or reporting to the council, obtain the advice and recommendation of the board.

Duties.

It shall even be the duty of the board to make to the council, without being requested to do so, any suggestion or recommendation it may deem useful or necessary in connection with the improvement of the city.

Engineer.

The chief engineer of the city shall be the engineer of the board.

Expendi-
tures.

All expenditures by the board must be within the limit of the sums placed at its disposal by the council.

The city shall not be responsible for any sums spent by the board beyond the amount voted by the council, nor for those spent by the board for other purposes than those for which the money was voted.

Id., art.
564o,
replaced.

37. Article 564o of the act 62 Victoria, chapter 58, as enacted by the act 8 George V, chapter 84, section 23, is replaced by the following:

Technical
commission.

"564o. The council may create a technical commission composed of such members of the heads of municipal departments and other persons as it may deem advisable, and, from time to time, make any changes in the staff of the commission as it may deem necessary.

Such commission shall have charge of the study of every question of a technical nature which may be entrusted to it by the council or the executive committee." Duties.

38. In all cases not provided for, all the powers given or duties assigned by law or by by-law, either to the council, the board of commissioners, the Administrative Commission of the city of Montreal or to the officers or officials of the city, or to such bodies, officers or officials of the city jointly, severally or subordinately one to the other, shall be exercised or accomplished in accordance with the provisions of this schedule. General interpretative provision.

39. The provisions of this schedule regarding the preparation of the electoral lists, the election of councillors and of the mayor, and the calling of the first meeting of the council, shall come into force on the day fixed by the Lieutenant-Governor in Council, by the proclamation putting into force this Schedule B, but the other provisions of this schedule shall come into force only at the opening of the first sitting of the council, and, until then, the city shall continue to be governed and administered under the same acts, by the same officials and in the same manner as before the adoption of this schedule. Coming into force.

C H A P. 113

An Act to amend the charter of the city of Three Rivers
and to authorize it to borrow money for certain
purposes

[Assented to, 19th of March, 1921]

WHEREAS the city of Three Rivers has, by its petition, represented that it is in the interest of the ratepayers and of the proper administration of its affairs that its charter, the act 5 George V, chapter 90, as amended by the acts 6 George V, chapter 45; 7 George V, chapter 63; 8 George V, chapter 85; 9 George V, chapter 93, and 10 George V, chapter 88, be further amended as hereinafter set forth, and that certain special powers be granted it to contract certain loans; Preamble.

That it is also in the interest of the ratepayers to amend the power of the school commissioners of the city of Three Rivers to effect temporary loans;

Whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, with the advice and consent of