

(b) if he is the clerk or clerk of private bills of one of the Houses of the Legislature of Quebec, receive any such Bill or have it printed ;

unless the notice or the Bill be accompanied by a certificate establishing that the Bill has been approved by the board or council of management of the profession which it concerns. Proviso.

— — —
CHAP. 38

An Act respecting Cities and Towns.

[Assented to 25th April, 1903]

— — —
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FORMS.

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

TITLE I

MISCELLANEOUS PROVISIONS

SECTION I

DECLARATORY AND INTERPRETATIVE

Name of act. **1.** This act may be cited as the “ Cities and Towns’ Act, 1903.”

Act applies to : **2.** This act applies :

Cities and towns hereafter erected ; **1.** To every municipality of a city or town that may hereafter be erected by an act of the Legislature of the Province, or by letters patent issued by the Lieutenant-Governor in council in accordance with articles 14, 15 and 16 ;

Existing cities and towns which shall be declared subject thereto. **2.** To every municipality of a city or town, now existing and constituted by a special act, which shall be declared subject to the provisions thereof by a special act, or which shall,

upon abandoning its charter, be erected into a municipality of a city or town, in virtue of the provisions of this act, by letters patent issued by the Lieutenant-Governor in council, in accordance with articles 14, 15 and 16 *mutatis mutandis*.

3. For any of the provisions of this act not to be incorporated in the charter, it must be expressly declared that such provisions, specifying them by their numbers, shall not form part thereof. Express mention of exceptions necessary.

4. Unless the context of the provision indicates or declares otherwise, the following expressions, terms and words, whenever the same occur in this act and in the charter, have the meaning, sense and application, which are respectively assigned to them in this article : Interpretation :

1. The term "charter" means any act of the Legislature of this Province, or any letters-patent, as the case may be, establishing a city or town municipality; "Charter."

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

3. The term "Circuit Court of the county" or "county Circuit Court," means the Circuit Court in and for the county; and if there be more than one Circuit Court in the county, it includes all; "Circuit Court of the county" or "County Circuit Court."

4. The term "magistrate's court" or "magistrate's court of the county" means the magistrate's court established in the county, by proclamation of the Lieutenant-Governor, and presided over by the district magistrate; "Magistrate's Court." "Magistrate's Court of the county."

5. The term "member of the council" means and includes the mayor and all the aldermen of the city or town; "Members of the council."

6. The term "municipal office" means all the offices or functions discharged by the members or officers of the council; "Municipal office."

7 The word "session," employed alone, means indifferently an ordinary or general session, or a special session of the council; "Session."

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

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

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

“Occupant.” 11. The word “occupant” means any person who occupies an immovable in his own name, otherwise than as proprietor, usufructuary or institute, and who enjoys the revenues derived from such immovable ;

“Tenant.” 12. The word “tenant” means 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 or place of business ;

“Election officer.” 13. The expression “election officer” means the returning-officer and election clerk and every deputy returning-officer and poll-clerk appointed for an election.

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

Preceding article not to apply to certain persons. 6. The preceding article does not apply to members of the council or to officers who, according to the provisions of this act, must be able to read and write.

Unnecessary allegations in municipal acts. 7. Unnecessary allegations or expressions, used in any provision respecting municipal matters, in no manner affect the validity thereof, if the whole provision in its ordinary interpretation be sufficiently intelligible.

Error or insufficiency. 8. Error or insufficiency in the designation of any municipality in any municipal act performed by a council, its officers or any other person, or in the declaration of the quality of such officer or person, provided no surprise or injustice result therefrom, does not render such act null.

Objection as to form. 9. No objection founded upon form or upon the omission of any formality, even imperative, is allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless, according to the provisions of this act, its omission would render null the proceedings or other municipal acts needing such formality.

Taking of oath. 10. Any oath required by this act, or by the charter, may be taken before the mayor, the clerk, the secretary-treasurer, a justice of the peace, a commissioner of the Superior Court, or a notary.

Duty to administer oath, &c. Any person before whom any oath may be taken is empowered and required, whenever he is called upon so to do, to administer the oath and deliver a certificate thereof without fee to the party taking the same.

11. In all proceedings in which the rights of any municipality are involved, the fact of his being an elector or ratepayer of the municipality, or of his forming part of the council, shall not render a witness incompetent.

Competence of witnesses who are electors or councillors.

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

Deposition on behalf of corporation.

13. Every justice of the peace and all persons who refuse or neglect, without reasonable cause, to do any act or duty imposed upon them by this act or by the charter, or required of them in virtue of such provisions, incur, over and above the damages caused, a penalty of not less than four dollars or more than twenty dollars, except in cases otherwise provided for.

Penalty for refusal or neglect to act in certain cases

SECTION II

INCORPORATION OF CITIES AND TOWNS BY LETTERS PATENT

14. 1. The Lieutenant-Governor in Council may, by letters patent, erect any territory forming a village municipality into a town municipality, if it contains at least 2,000 souls, and erect any territory forming a village or town municipality into a city municipality, if it contains at least 6,000 souls, in accordance with the formalities prescribed in the following provisions.

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

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

How number of population is established.

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

Notice to be given by council applying for letters patent in

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

Quebec Official Gazette.

How long notice to be published and what to contain.

- (a) The name of the proposed city or town, as the case may be ;
- (b) The limits of the municipality ;
- (c) The number of the population, as established by the census ordered by the council ;

- (d) The declaration that the municipality will be erected into a city or town under the Cities and Towns' Act, 1903.

Petition to be presented to Lieutenant-Governor within certain time thereafter.

3. At any time, but not later than one month after the last publication of the notice in the *Quebec Official Gazette*, the council of the municipality, applying for the erection of its territory into a city or town municipality, may present a petition to the Lieutenant-Governor in council praying for the issue of letters patent.

Contents of petition.

4. Such petition must state :

- (a) The number of the population of the territory, the erection whereof into a city or town is applied for.
- (b) The name of the municipality ;
- (c) The limits of the municipality ;
- (d) The number of wards into which the municipality is to be divided ;
- (e) The days upon which the nomination of and voting for the candidates at the first general election of mayor and aldermen in the municipality are to be held.
- (f) The name of the returning-officer for such first election ;
- (g) The place where the first general sessions of the council will be held ;
- (h) The total number of aldermen and the number of aldermen for each ward.

Proof to be adduced before Provincial Secretary, &c.

5. Before the issue of the letters patent, the affidavits attesting to the result of the census shall be transmitted to the department of the Provincial Secretary, and the latter may require, in addition, that the council of the municipality applying for the erection of its territory into a city or town, establish the sufficiency of the notices, that the facts set forth in the petition are true, and that it is in the interest of the municipality and of the inhabitants thereof that the erection applied for should take place.

Examination of witnesses for such purpose.

6. For that purpose the Provincial Secretary or such other officer as may be charged by order of the Lieutenant-Governor in council to report thereon, may examine witnesses and take, under oath or affirmation which he may administer, their evidence in writing or by means of stenography, hear the representatives of the council and any person opposing the application of the council or his representatives, and report on the whole to the Lieutenant-Governor in council.

Issue of letters patent may then be ordered

7. If the Lieutenant-Governor in council deems it to be in the interest of the municipality and of the inhabitants thereof that the erection applied for should take place, he

orders the issue of the letters patent, which recite amongst other things the averments contained in the petition as established.

8. The Lieutenant-Governor in council may, if he deems it expedient, give to the municipality a different name from that chosen by the council. Name may be changed.

9. Notice of the issue of the letters patent is given by the Provincial Secretary by publishing the same in the *Quebec Official Gazette*, and from and after the date of the letters patent, the municipality is erected into a city or town, as the case may be, under the authority of this act. Notice of issue, &c., to be published in *Quebec Official Gazette* and effect thereof.

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

16. 1. The Lieutenant-Governor in Council may, from time to time, establish, amend and regulate the tariff of fees to be paid on every application for letters patent and supplementary letters patent under this section; may designate the department or departments through which the issue thereof shall take place, and may prescribe the form of proceeding and record in respect thereof, and all others matters requisite for carrying out the object of this section. Tariff of fees may be made for letters patent, &c.

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

3. No steps shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this section until after the amount of all fees therefor shall have been duly paid. Payment of fees to be exacted before proceedings to be taken on application.

SECTION III

PROVISIONS APPLICABLE TO NEW MUNICIPALITIES

17. In a newly erected municipality, the first general election is held on the day fixed by the charter. When first general election to be held.

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

Returning-officer for first general election.

18. The returning-officer for the first general election is any person designated by the charter to fill that office, and in case there is an omission of such designation or a refusal to act or negligence in acting on the part of the person designated, any person appointed for that purpose by the Lieutenant-Governor in council.

List of electors for first general election.

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

Clerks, &c., to give list to returning-officer.

20. Every clerk or secretary-treasurer who is the depository of the lists of electors or of the valuation rolls mentioned in the foregoing article shall, under penalty of a fine not exceeding two hundred dollars, and, in default of payment, of imprisonment not exceeding three months, allow the returning-officer of the new municipality to make or cause to be made, in the office of the council in which they are deposited, copies of or extracts from such lists and rolls required for the first general election.

Penalty for default.

Custody of documents respecting first general election.

21. The returning-officer for the first general election keeps all the documents and things made use of at the election until the appointment of the clerk of the municipality, and hands them over to that officer so soon as he has entered upon the discharge of his duties.

First session.

22. In every newly organized municipality, the first general session of the council is held at the place indicated in the charter, on the Wednesday next after the public notice of the result of the election has been given by the returning-officer.

Who presides in certain event.

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

Valuation roll of new municipality.

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

TITLE II

ORGANIZATION OF THE MUNICIPALITY

SECTION I

CONSTITUTION OF THE CORPORATION

24. The inhabitants and rate-payers of every city or town municipality and their successors are a corporation and body politic, known under the name mentioned in the charter. Corporation constituted.

25. Such corporation, under its corporate name, has perpetual succession, and may : General powers.

1. Have a common seal and change the same at will ;
2. Acquire moveable and immoveable property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same ;
3. Enter into contracts, transact, bind and oblige itself and others to itself, within the limits of its powers ;
4. Subscribe, draw, endorse, transfer, negotiate, give, accept or receive promissory notes, bills of exchange, cheques, bonds, debentures or other securities, whether negotiable or not, in the execution of any of the powers, rights and attributes conferred upon it by law and of any of the duties and obligations devolving upon it ;
5. Sue and be sued in any cause and before any court ;
6. And generally exercise all the powers vested in it or which are necessary for the accomplishment of the duties imposed upon it.

SECTION II

BOUNDARIES OF THE MUNICIPALITY AND JURISDICTION
OF THE CORPORATION

26. The territory comprised within the municipality shall be that specified by its charter. Territory of municipality.

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

28. Whenever a municipality is bounded on any side by navigable or other waters, or by the bank or beaches of such waters, the jurisdiction of the corporation for police If municipality bounded by waters.

purposes extends in front of the municipality to the middle of such water and to the islands and shoals therein found, if such extent of territory does not already form part of a city, town or village municipality.

If waters wider than two miles.

If, however, the waters fronting the municipality are of greater width than two miles such jurisdiction shall not be exercised for more than one mile from the bank or shore.

SECTION III

DIVISION OF THE MUNICIPALITY INTO WARDS

Number of wards.

29. The municipality is divided into the number of wards prescribed by the charter.

Power of council by by-law to alter number and boundaries, &c. of wards, &c.

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

Proviso.

When changes take effect.

Every such change shall come into force at the ensuing general elections.

Representation of new wards.

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

SECTION IV

ANNEXATION OF TERRITORY

Limits may be extended by by-law.

32. It shall be lawful for the council of the municipality, by the affirmative vote of the absolute majority of its members, to make by-laws to extend the limits of the municipality, by annexing thereto for municipal purposes any contiguous city, town, village or municipality or part thereof.

Contents of by-law, &c.

Every such by-law shall contain a complete description of the territory to be annexed, set forth the terms and conditions upon which it shall be so annexed, and determine whether the territory so annexed shall form a ward by itself, or be wholly or in part annexed to any existing ward or wards of the municipality.

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

By-law requires approval of council of municipality affected, and of electors who are proprietors.

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

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

35. At such meeting, the mayor of the municipality in which it is held presides 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 is present at such meeting and is willing to act.

Who shall preside at meeting.

The clerk or 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.

Secretary-treasurer to attend.

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.

Question to be decided.

Declaration by president after putting the question.

36. When the question has been put, the person presiding declares whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law.

Decision final if not appealed from.

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

Poll may be demanded.

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

Votes how polled.

38. Each of the electors then presents himself in turn to the person presiding, and gives his vote by "yea," or "nay," the word "yea" meaning that he approves of the proposed by-law, and the word "nay," that he disapproves of the same ; but no person's vote is 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.

Polling may be continued on following day in certain cases.

39. 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 presiding officer adjourns the voting to the following day at ten o'clock in the forenoon, and the voting then continues as on the first day and is closed at five o'clock in the afternoon of the said second day.

Poll may be closed in certain event.

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

Result how declared.

40. At the close of the poll, the person presiding counts the "yeas," and the "nays," and ascertains whether the majority of the electors are for the approval or disapproval of the by-law.

Certificate of result.

He makes and signs a certificate stating the result of the voting, and such certificate is countersigned by the secretary-treasurer of the municipality acting as secretary of the meeting, and is kept by him, with the poll-book, among the records of his office.

Copy to clerk.

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

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

If by-law disapproved. If approved.

If, afterwards, the by-law be passed by the council, by the vote of the majority of its members, it has effect, after approval by the Lieutenant-Governor in council.

By-law by council and approval by Lieutenant-Governor.

42. 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 deems 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.

Lieutenant-Governor may require information.

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

Decision of Lieutenant-Governor.

The approval gives the by-law the force of law ; it is 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 whatever.

Coming into force of by-law.

43. So soon as any municipality or part of a municipality has been annexed to the city or town according to the provisions of this act, such municipality or part of a municipality is subject to the provisions of the various acts, rules, by-laws and ordinances made and passed at the time of the annexation or which may be so afterwards in virtue of the powers conferred upon the corporation of the city or town by its charter, by law 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 the annexation was effected.

Annexed municipality subject to by-laws.

44. Any municipal officer, or member of a municipal council, who neglects or refuses to perform, or to concur in performing, any official act or duty required of him for carrying out the provisions of this section, is liable to a penalty of fifty dollars, which penalty may be sued for in the name of His Majesty, before any competent court, within six months after the offence was committed.

Penalty on officer refusing to act.

SECTION V

COUNCIL, MAYOR, ALDERMEN AND COMMITTEES OF THE COUNCIL

Corporation represented by its council. **45.** The corporation is represented and its affairs are administered by its council.

How composed. **46.** The municipal council is composed of a mayor and of the number of aldermen fixed by the charter, elected in the manner hereinafter prescribed.

Term of office of mayor. **47.** The mayor is elected for two years by the majority of the municipal electors of the municipality who have voted.

Election by council if by-law passed for that purpose. Nevertheless, if the municipal council adopts, by a majority of two-thirds of its members, a by-law for that purpose, the mayor may be elected by the municipal council for two years, and in such case the election is governed by the provisions of articles 298, 299 and 300.

Term of office of aldermen. **48.** The aldermen are elected for the same period to the number, in each ward, fixed by the charter, by the majority of the municipal electors of the ward who have voted.

When term of office of mayor and aldermen expires. **49.** The term of office of mayor expires after the new mayor is sworn in, and that of alderman expires at the opening of the first general or special session of the council held after the general elections.

Mayor's powers, &c. **50.** The mayor exercises the right of superintendence, investigation and control over all the departments and officers of the municipality, and especially sees that the revenue of the municipality is collected and expended according to law, and that the provisions of the law as well as all by-laws, rules and regulations of the municipality, are faithfully and impartially enforced, and, from time to time, lays before the council such proposals for alterations or amendments as he may deem necessary and advisable, and shall communicate to the council such information and suggestions as may tend to the improvement of the finances, police, health, security, cleanliness, comfort and progress of the municipality.

Power to suspend officers and employees. In the exercise of his functions as the executive head of the municipal administration, the mayor has the right, at any time, to suspend any officer or employee in the service of the municipality, and, in such case, the mayor shall at the earliest opportunity, report the matter to the council or to the committee having immediate supervision over the department affected, stated in writing the reasons for such action on his part.

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

If he refuse to approve thereof he returns the same with his objections in writing, to the clerk, who submits them for reconsideration at the next session of the council, as a matter of urgency and privilege.

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

52. The mayor is bound to read to the council, in session, all circulars or communications addressed to himself or the council by the Provincial Secretary, and, if it be required by the council or by the Provincial Secretary, to make them public in the municipality, in the manner required for public notices.

53. He is bound to furnish to the Lieutenant-Governor on demand, all information concerning the execution of the municipal law, and all other information which it may be in his power to give with the concurrence of the council.

54. The mayor may resign his office by sending in his resignation signed by him to the clerk of the municipality, but such resignation has no effect until accepted by a resolution of the council.

55. If the office of mayor become vacant, the clerk of the municipality, within eight days after such vacancy, shall call a meeting of the council for the purpose of electing one of the members of the council to discharge the functions of mayor during the remainder of his term of office; and the council, at such meeting, is bound to elect such mayor; the acceptance of the office of mayor by any member of the council has the effect of rendering his seat vacant, and in such case, a new election to fill such vacancy shall be held.

56. The council, every three months, elects one of its members as acting mayor, who has and exercises all the

By-law, etc., to be presented to the mayor for approval and signature. If he refuses to approve, to be submitted for reconsideration.

If reaffirmed, mayor to sign, if he does not, by-law, etc., comes into force. Proviso.

Mayor reads all circulars from Lieutenant-Governor, etc. ;

Gives information.

Resignation of mayor and when to take effect.

Vacancy in office of mayor how filled.

Appointment of acting mayor and his powers.

powers vested by law in the mayor, whenever the mayor may be absent from the municipality, or unable to discharge the duties of his office.

Vacancy in office of mayor.

57. In the event of the office of mayor becoming vacant, the acting mayor exercises all powers of mayor, until the latter's successor is elected.

Resignation of aldermen.

58. Any alderman may resign and vacate his seat in the council by transmitting his resignation in writing, signed by him, to the clerk of the municipality, but such resignation shall have no effect until it be accepted by a resolution of the council.

Vacancy in office of alderman.

59. If any vacancy occur in the office of alderman, the mayor, within eight days after such vacancy, shall fix a day for the nomination of candidates, and also for the election in case of a contest, which election shall be held within thirty days after such vacancy.

Appointment of election clerk.

Ten days at least before the day fixed for the nomination, the clerk of the municipality, by a commission under his hand and according to form E, shall appoint an election clerk, and give the public notice prescribed in article 163 and drawn up according to form G.

Notice of election.

In other respects, such nomination and election shall be held as in the case of general elections, and the person elected shall hold office during the unexpired term of the previous incumbent's tenure of office.

Procedure.

Mayor and aldermen to be sworn.

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

Entry to be made in minute book.

An entry of the taking of such oath is made in the minute book of the proceedings of the council.

Omission to take oath.

61. The omission, during fifteen days, on the part of the mayor or of an alderman to take the oath of office for the office to which he was appointed deprives him of his office of mayor or alderman.

Mayor, &c., may resume his functions if vacancy not filled, &c.

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

Services to be gratuitous.

62. The mayor and aldermen do not receive any salary, profit or indemnity, in any form whatsoever, for their services.

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

Validity of certain votes and acts.

64. Without other qualification and without being obliged to take the oaths prescribed for such office, the mayor and aldermen are *ex-officio* justices of the peace, within the limits of the municipality, so long as they continue in office.

Mayor and councillors to be justices of the peace.

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

Jurisdiction.

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

Power of council to appoint committee to hold enquiries.

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

Persons summoned must appear.

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

Penalty.

The chairman of any committee of the council is authorized to administer the oath to the witnesses.

Oath to witnesses.

66. The council may appoint permanent or special committees, composed of as many of its members as it may deem necessary for the supervision of the administration of the

Appointment of committees.

several civic departments for which they are respectively named and for the management of such business as it may, by by-law or resolution, assign to them.

When committees are formed.

The permanent committees are formed every year at the first session after the annual general elections, and special committees at any time whenever it may be necessary or expedient to appoint the same.

Replacing of members.

The council may replace any member of the said committees whenever it deems it expedient.

Mayor member *ex-officio*, &c.

The mayor is a member *ex-officio* of all committees, and has a right to vote therein.

Reports by committees.

The committees render account of their labors and their decisions by reports signed by their chairman or by a majority of the members who compose them.

Report requires to be adopted by council.

No report whatever of a committee has any effect until it has been ratified or adopted by the council.

SECTION VI

OFFICERS OF THE COUNCIL

§ 1.—*General Provisions*

Appointment of officers.
Salaries and duties.
Removal of officers.

67. The council may appoint such officers as it may deem necessary to carry into execution the powers vested in it, and grant them such salary or other compensation as it may think fit, and may, upon a vote of the absolute majority of the whole council, remove any officer and appoint another in his place.

Oath of office.

68. After his appointment and before entering into office every municipal officer shall take oath, according to form A, to well and faithfully perform the duties of his office.

Deposit of certificate of taking oath.

69. The certificate, attesting that an oath of office has been taken by any municipal officer, is filed, without delay, in the office of the council, by the person who has taken such oath.

Security may be required by council from employees.

70. The council may require of all persons employed by it such security as it may deem sufficient to secure the complete and faithful execution of the duties which devolve on them.

Duties of officers, not defined by law, may be defined by by-law, etc.

71. The council may, by by-law, define the duties, not defined by this act or the charter, of its officers, and impose penalties or fines upon them for neglect in the performance of their duties.

72. Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for.

Majority may act, if anything to be done requires more than two.

73. Every municipal officer, who has ceased to discharge the duties of his office, is bound to deliver, within eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, records and other things belonging to the council.

Retired officer to deliver up moneys, keys, etc.

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

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

75. In the case of the two preceding articles, the council is entitled, in addition to any other legal recourse whatsoever, to recover, by process of revendication, from such officer or his representatives, all such moneys, keys, books, papers, insignia, documents, records and other things, without prejudice to damages, with costs.

Council may seize such articles in revendication.

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

Similar recourse against others having such articles.

76. In the exercise of its legal rights and recourse provided for in the preceding article, the council may conclude for coercive imprisonment, which may be ordered against the defendant who has been condemned.

Coercive imprisonment may be asked for.

77. In the event of the resignation, absence or death of a municipal officer, entrusted with drawing and receiving for the municipality the moneys belonging thereto, his successor regularly appointed may exercise the same powers.

Power of successor of officer entitled to draw money, &c.

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

Officers to report to council, etc.

79. The council may bring an action to account against any employee responsible for moneys belonging to the municipality, and who shall, if need be, be condemned to render

Action to account may be taken.

account, and to pay the sum which he is declared to owe, with interest and costs of suit.

Coercive imprisonment. Every such judgment carries with it coercive imprisonment.

Tariff of fees. **80.** The council may establish a tariff of fees payable to municipal officers for their services, whether by persons who have required such services, or by those on whose account they are rendered, or by the municipality, in cases in which such fees have not been fixed by law.

Tariff to be posted up. Every tariff made under this article shall be posted up in a conspicuous place in the office of the council.

§ 2.—Clerk

Clerk. **81.** The council shall always have an officer as keeper of its office and archives.

Such officer is styled the city clerk (or town clerk, *as the case may be.*)

Office of clerk. **82.** The office of the clerk shall be established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council.

Archives of which he has the custody, &c. **83.** The clerk is the custodian of all the books, registers, plans, maps, archives and other documents and papers, which are either the property of the council, or are produced, filed and preserved in the office of the municipality.

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

Attends sessions and draws up minutes. **84.** He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof.

Signature to minutes. **85.** All minutes of the sessions of the council are signed by the presiding officer, and countersigned by the clerk.

Copies of books, etc., to be given to persons requiring same upon payment of fees. **86.** The clerk is bound to deliver, upon payment of the fees fixed by the council and payable to the municipal treasury, to any person applying for the same, copies of or extracts from any book, roll, register, document or other paper which forms part of the archives.

Certified copies and extracts. **87.** Copies and extracts certified by the clerk of and from all books, registers, archives, documents and papers preserved in the office of the municipality are evidence of their contents.

88. The registers and documents in the possession of the clerk and forming part of the archives of the council are open, during office hours, to the inspection and examination of the rate-payers of the municipality and their attorneys. Registers, &c., open to inspection during office hours.

89. The clerk, between the first and thirty-first days of January, in each year, transmits to the Provincial Secretary a return showing : Statement to be sent to Provincial Secretary and what to contain.

1. The name of the municipality ;
2. The estimated value of the taxable immoveable property ;
3. The estimated value of the immoveable property not subject to taxation ;
4. The number of persons paying taxes ;
5. The rate of assessment in the dollar imposed for all purposes whatsoever ;
6. The value of the property of the municipality ;
7. The amount of taxes collected within the year ;
8. The amounts collected which are to be imputed to sinking fund ;
9. All other sums collected ;
10. The amount of arrears of taxes ;
11. The capital amount due to the consolidated municipal loan fund ;
12. The amount of loans raised by the municipality by means of debentures or otherwise ;
13. The rate and the amount of interest due upon such loans ;
14. All other debts ;
15. The amount raised by loan within the year ;
16. The expenditure for salaries and other expenditure for municipal administration ;
17. All other expenditure ;
18. The number of persons residing in the municipality.

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

In the case of a vacancy in the office of the clerk, the assistant clerk shall continue to perform the duties of the office, until the vacancy is filled. Duties in certain event.

§ 3.—*Treasurer*

- Treasurer.** **91.** The council shall always have an officer who shall be the collector and depositary of all the moneys of the municipality.
Such officer is called the city treasurer (or town treasurer, as the case may be.)
- Where office to be held.** **92.** The treasurer's office shall be in the place where the sessions of the council are held or in any other place fixed, from time to time, by resolution of the council.
- Deposit of moneys.** **93.** The treasurer may deposit in any corporate bank the moneys arising from municipal taxes or dues, or belonging to the municipality, and may allow them to remain there, until they are employed for the purposes for which they were levied, or until disposed of by the council.
He is bound so to do, if required by the council or by the mayor.
- Books of account to be kept.** **94.** The treasurer is bound to keep, in due and proper form, books of account, in which he enters, by order of date, each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has paid any.
He keeps in his office all vouchers of expenditure.
- Vouchers.** He keeps in his office all vouchers of expenditure.
- Treasurer forbidden to :** **95.** The treasurer shall not, nor shall any other officer of the council, under a penalty of twenty dollars for each infraction :
- Grant discharges without payment ;** 1. Grant discharges to rate-payers or other persons indebted to the municipality for municipal dues or other debts, without having actually received in cash, or in lawful value, or in accepted bank cheques, the amount mentioned in such discharges ;
- Lend moneys of municipality.** 2. Lend, directly or indirectly, by himself or by others, to any person whomsoever, moneys belonging to the municipality.
- Treasurer's books open to inspection.** **96.** The treasurer's books of account and vouchers for his expenditure, are open for inspection and examination, during office hours, to all rate-payers of the municipality or their attorneys.
- Copies, &c., of books, &c., to be delivered on payment of fees.** **97.** The treasurer is bound to deliver to any person applying for the same, on payment of the fee fixed by the council, and which belongs to the municipal treasury, copies of or extracts from any book, roll, register, document or other paper in his custody.

98. Copies and extracts certified by the treasurer of and from the books, archives, documents and papers in his custody are evidence of their contents. Copies, &c., certified to be proof.

99. Once a year, at the time fixed by the council, and oftener if required, the treasurer shall be bound to render a detailed account of his receipts and expenditure. Rendering of accounts.

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

§ 4.— *Secretary-Treasurer*

101. Should the council deem the same expedient, it may appoint a single person to fill the offices of clerk and treasurer; in such case the officer filling such offices is known as the "secretary-treasurer" and he performs all the duties of clerk and treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as those determined and prescribed for those offices. Appointment of secretary-treasurer and his duties.

§ 5.— *Auditors*

102. The council shall, at the first session of the council after the annual elections, or as soon thereafter as possible, appoint one or two auditors who shall perform the duties of their office until the entry into office of their successors. Appointment of auditors and term of office.

103. The auditors are bound, once a year, at the time fixed by the council, and oftener if required, to make an examination of and to report respecting all accounts of the municipality, and all accounts relating to any subject falling within the jurisdiction of the council. Duties.

Such report shall include all the financial affairs of the municipality for the twelve months preceding, and for such other additional period as may be ordered by the council. Contents of their report.

§ 6.— *Assessors*

104. The council shall appoint every year as many assessors as it may deem necessary. Appointment of assessors.

Such assessors hold office till their successors are appointed. Term of office.

The remuneration of such assessors is fixed, from time to time, by the council, and it designates which of the assessors shall act as chairman of the board. Remuneration.

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

May employ
clerk.

105. The assessors may, in the execution of their duty, demand the services either of the clerk or of any other writer.

His fees.

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

TITLE III

PERSONS QUALIFIED AND DISQUALIFIED FOR MUNICIPAL OFFICE

General quali-
fication.

106. Every male resident in a municipality, not declared disqualified by a provision of law, is capable of discharging any municipal office.

Disqualifica-
tions.

107. The following persons cannot be nominated for the office of mayor or alderman nor be elected thereto; nor be appointed to or fill any other municipal office:

1. Aliens;
 2. Minors;
 3. Persons in holy orders, and the ministers of any religious denomination;
 4. Members of the Privy Council;
 5. The judges or magistrates receiving emoluments from the federal or local governments or from the municipality;
 6. Officers on full pay of His Majesty's army or navy;
 7. Keepers of taverns, hotels or houses of public entertainment, and persons who have acted as such within the preceding twelve months;
 8. Whosoever has no residence or principal place of business in the municipality for at least twelve months previous to the election or nomination;
 9. Whosoever has, directly or indirectly, by himself or his partner, any contract with the municipality;
- Nevertheless, a shareholder in any incorporated company, which has any contract or agreement with the municipality or which receives a bonus therefrom, is not disqualified from acting as a member of the council; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company;
10. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up, owing to involuntary error or omission;

11. Whosoever cannot read or write fluently ; it shall not suffice that he can read print or write his name, or even do both ;

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

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

108. No person shall be either nominated or elected mayor or alderman or occupy such office unless he, during the twelve months immediately preceding the day of his nomination, has been seized of and has possessed as proprietor in his own name or in that of his wife immoveable property in the municipality of the value of six hundred dollars, after payment or deduction of all charges imposed thereon ; such qualification required by this article to be established by the valuation roll in force at the date of the nomination.

Property qualification of mayor and aldermen.

109. No person can act as mayor or alderman, or fill any other municipal office, unless he is eligible and possesses at all times the qualifications required by law.

Qualification, to last during term of office.

Any person who, while acting as mayor or alderman or filling any other municipal office, becomes incapacitated while in office, *ipso facto*, loses his office and his place becomes vacant.

Person while holding office who becomes disqualified.

110. If the mayor or any alderman votes at any session of the council or of any committee, unless he be at the time duly qualified as required by law, he is liable to a penalty of one hundred dollars for each such vote which he gives at such session.

Penalty on mayor or alderman, voting when not qualified.

111. In case the mayor or any alderman has ceded or in any manner whatever made over the immoveable property on which he qualified himself, or has mortgaged or encumbered the same so as to affect the amount required for his qualification, it shall be lawful for any two duly qualified electors to present a petition to the council, requiring the said mayor or alderman, as the case may be, to produce his title as proprietor of such other immoveable property as he may qualify upon, together with the sworn declaration and certificate provided for by article 170, establishing the value of such property, and in default of his so doing, within a delay of thirty days, his seat *ipso facto* becomes vacant.

If property on which mayor or alderman qualifies has changed hands.

TITLE IV

LISTS OF ELECTORS

SECTION I

PERSONS ENTERED ON THE LISTS AND THE PLACE WHERE THEY
VOTE

- 112.** The following persons, if of the full age of twenty-one years, British subjects and not legally disqualified nor otherwise deprived of the right to vote in virtue of this act or of the charter, are electors, and are entered on the lists of electors, prepared in accordance with the following provisions, viz :
- Qualification of electors :**
- Proprietors.** 1. Every male person and every widow or spinster whose names are entered on the valuation roll in force as a *bona fide* owner or occupant of immoveable property, in the municipality, of the assessed value of \$200 or upwards, or of an annual value of \$20 or upwards, according to said roll ; in cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electors' list ;
- Husband of woman under law of separation as to property ;** 2. The husband of any woman separate as to property, when the latter is seized, as owner, usufructuary or as institute, of immoveable property in the municipality, of the assessed value of \$300 or upwards, according to the valuation roll in force, or when she carries on trade or keeps a place of business which renders her subject to the payment of a tax, and when such place of business is entered on the collection roll as being of the annual value of not less than \$30 ;
- Tenants ;** 3. Every male person, and every widow or spinster, being a resident householder in the municipality under a lease, whose name is entered on the collection roll in force as tenant of a dwelling house or part of a dwelling house, in the ward for which the list is made, of the value of \$200 or upwards or of the annual value of \$20 or upwards, according to such roll ;
- Tenants of warehouses, &c. ;** 4. Every male person, though neither an owner or householder, who, individually or jointly as a copartner with any other person, is entered on the valuation roll or collection roll in force, as the tenant under lease of any warehouse, counting-house, shop, office, or other place of business in the municipality ; provided that such warehouse, counting-house, shop, office or other place of business, if occupied by the said person individually, be assessed at a value not less than \$200, or, at a yearly assessed value of not less than \$20 according to the valuation or collection roll ; or,

if occupied by him as a copartner, that his proportion or share thereof be not of less value than the amounts aforesaid, respectively, according to the valuation or collection roll.

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

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

114. Persons entitled to vote, as aforesaid, vote in and for the particular ward in which the property constituting their qualification to vote is situated ; but, when any such person is qualified as owner or occupant in more than one ward, or tenant in one ward, and at the same time as owner or householder in any other ward, he may vote for the election of alderman in each of the wards wherein he is qualified so to do, and he is entered in the list of electors for each of such wards ; provided that for the election of mayor, such person shall vote once only ; and such vote shall be cast, if the elector be qualified in respect of residence, only at the polling place nearest his domicile. Where electors are to vote. Proviso.

115. When the elector is not qualified in respect of residence, the clerk determines where, in his judgment, the said vote for mayor may be most conveniently cast. Where when not qualified in respect of residence.

116. The following persons are not entitled to have their names entered on the electors' list : Persons not entitled to be entered on elector's list.

1. Salaried permanent officers or employees of the municipality in receipt of an annual, monthly or weekly salary ;
2. Persons who are no longer in possession as proprietors of the property on which they were qualified when the list was made ;
3. Persons who are guests or lodgers in a hotel, boarding-house or private dwelling, and not otherwise qualified ;
4. Tenants who, at the time of the revision of the electors' list, are no longer householders in the ward, and also ten-

ants of any office, qualified as such, who have not actually occupied such office since the month of May next preceding, or who have ceased occupying the same at the time of the revision of the electors' list.

Payment of taxes a condition precedent to being entered on list.

117. No person qualified to vote as proprietor, tenant or occupant is entitled to have his name entered on the electors' list for any of the wards of the municipality who, on the first December preceding the completion of the list, is indebted towards the municipality for any taxes or water-rates (special taxes excepted.)

Proviso.

This article deprives the proprietor of the right to be entered on the list for the ward only in which such taxes become due.

SECTION II

PREPARATION OF THE LIST OF ELECTORS.

When elector's lists to be prepared.

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

What to contain.

119. Such list contains the names and surnames of the electors, their occupations, the streets and street numbers (if any) of the property in respect of which they are qualified to vote, and also indicates in a separate column the nature of the qualification of such electors, whether as proprietors, tenants or occupants.

Names to be omitted or removed therefrom.

120. In the preparation of the list the clerk omits therefrom, and, from time to time, causes to be removed therefrom, the names of all persons who either are or who may become deceased, also the names of minors, of aliens, of non-residents, of corporation employees (as defined by article 116) and of all others who are not entitled to have their names entered on such list.

Examination of lists.

During the month of November, any rate-payer may, under proper safeguards, examine the lists in the office of the clerk, and if said rate-payer find therein the name of any person whom he may have reason to believe is not legally entitled to be entered, he may file with the clerk a signed statement, specifying the name and alleging the causes of disqualification; and, in each such case, it is the duty of the clerk to make careful inquiry respecting the truth of such allegations, before permitting any name thus protested to remain upon the list, when he certifies it.

121. The clerk, in preparing the electors' list of the municipality, divides it into as many parts as there are wards in the municipality and subdivides each ward into as many polling districts as there are multiples of two hundred and fifty electors for each, adding a district for every fraction of that number.

Subdivision of wards into polling districts.

The districts must, as far as possible, contain an equal number of electors.

To contain equal number of electors.

122. He makes, for each polling district, an alphabetical list of the electors qualified to be entered thereon, which he signs and certifies under oath before a justice of the peace, as correct to the best of his knowledge and belief, the whole according to form B.

Alphabetical list for each polling district. Attestation of list.

123. The clerk, within two days from the day upon which he takes the oath required by article 122, shall give and publish a public notice, setting forth that the list of electors has been prepared according to law, and that it has been lodged in his office, at the disposal and for the information of all persons interested.

Notice of deposit of list and what to contain.

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

Form and publication of notice.

124. The electors' list for all the polling districts of any ward of the municipality is considered as the electors' list for such ward, and the list of the electors for all the wards is considered to be the list of electors for the whole municipality in every election that is held under this act or the charter.

What constitutes electors' lists for municipality.

125. If the clerk refuses or neglects to make alphabetical lists of the electors according to law, or if, in making such lists, he knowingly enters thereon or omits therefrom, names which should not be entered or omitted, and if he thus transmits such list after having certified the same, under oath, he is liable to a fine not exceeding two hundred dollars, and, in default of payment, to a term of imprisonment not exceeding six months.

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

126. The mayor is bound to see that the electors' list for each ward of the municipality is made as aforesaid, and he may dismiss the clerk 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.

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

127. If the clerk has not made the alphabetical list of electors, or has not given or published the notice required by article 123, by the third day of the month of December, the judge of the Superior Court for the district, or, in the

Appointment of clerk *ad hoc* to make list in default of clerk.

event of the absence of the district judge, or of his inability to act, a judge of a neighbouring district or the district magistrate, on summary petition of any person entitled to be entered as an elector in the municipality, shall appoint a clerk *ad hoc* to prepare the alphabetical list of electors.

Responsibility of clerk of municipality in such case.

128. The clerk is personally liable for the costs incurred on such petition, and for those incurred in drawing up the list by the clerk *ad hoc*, unless the judge or the district magistrate, for special reasons, deems it advisable to order otherwise, and, in such case, the costs are left to his discretion.

May draw list in mean time.

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

Duties of clerk *ad hoc*.

129. Within fifteen days after notice of his appointment, the clerk *ad hoc* proceeds to the preparation of the list of electors and the marking out of the polling districts.

His powers and responsibilities.

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

Duties of mayor, &c.

130. In so far as the same is incumbent upon them, the mayor and the officers of the council are bound to deliver to the clerk *ad hoc*, on his demand, the valuation roll and the collection roll which are to avail as the basis of the list of electors, under a penalty against each not exceeding two hundred dollars, and in default of payment of imprisonment not to exceed six months.

Penalty.

SECTION III

EXAMINATION AND PUTTING INTO FORCE OF THE LIST

Examination of the list.

131. Upon complaint in writing to such effect, under either of the two following articles and not otherwise, the list of electors may be examined and corrected by the council of the municipality, within the thirty days next after the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the thirty days after the notice given in virtue of article 123.

Complaint for omission, etc., of complainant's name.

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

the fifteen days next after the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the fifteen days after the notice given in virtue of article 123.

133. Before proceeding to any examination or correction of the list of electors, the council causes to be given, through the clerk, the clerk *ad hoc*, or any other person, public notice of the day and hour at which such examination will begin. It may, in its discretion, cause different days to be specified in the notice for examining and correcting the list for each of the wards. Notice of examination.

Previous to taking into consideration the complaints in writing filed in the office of the council with respect to the list of electors, the council shall also cause a special notice to be given to every person, the insertion or omission of whose name upon the list is demanded. Special notice.

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

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

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

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

135. The council on proceeding to the examination, first verifies the correctness and regularity of the proceedings had in preparing the list, and draws up a minute thereof, then takes into consideration all the complaints in writing, relating to the said list, and hears all persons interested and their proof on oath, if necessary. How council proceeds.

The council, by its decision on each complaint, may confirm or correct the list; then, if necessary, it re-divides the list in consequence thereof, according to the polling subdivisions, keeping the alphabetical order of the electors thereon. Decision.

Fraudulent title.

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

Correction of clerical errors by council.

137. At any time before the coming into force of the list, the council may correct the clerical errors in the names of the electors or in the other indications appearing on the list.

Corrections to be authenticated.

138. Every insertion in, erasure from, or correction of the list, in virtue of the three preceding articles, shall be authenticated by the initials of the officer presiding the council.

Coming into force and duration of the list.

139. The list of electors comes into force at the expiration of the thirty days following the expiration of the delay prescribed for the preparation of the list, or, if the list has been completed after the expiration of the said delay, within the thirty days after the notice given in virtue of article 123, as it then exists, and remains in force until the month of January following its coming into force, and, thereafter, in all cases, until a new list is made and put into force under the authority of this act.

List in force, even if appealed from, until decision.

Notwithstanding the appeal to a judge of the Superior Court, or to a district magistrate in districts in which there is no judge of the Superior Court, touching a portion of the list, such portion of the list shall remain in force until the final decision of the court, before which the said petition in appeal is pending.

Value of the list.

140. Saving nevertheless, any correction made under article 149, every list of electors so put into force, even although the valuation roll and the collection roll, which has served as the basis for such list be defective or be quashed or set aside, shall during the whole period wherein which it remains in force, be deemed the only true list of electors, within the territorial division to which it relates.

If list for a ward set aside.

141. The setting aside of the part of the list relating to one ward for any reason whatsoever does not affect any other part of the list.

Certificate of the clerk.

142. So soon as the list of electors has come into force, it is the duty of the clerk to insert, at the end of such list, the certificate set forth in form D.

143. No informality in the preparation, completion, revision and 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 lists.

144. The list of electors shall be kept in the archives of the municipality. Where list to be kept.

SECTION IV

APPEAL TO THE JUDGE

145. By means of a petition, in which are briefly set forth the reasons of appeal, any municipal elector of the municipality may, within fifteen days following such decision, appeal from any decision of the council, confirming, correcting or amending the list, to the judge of the Superior Court for the district, to the Circuit Court of the district, or to the Circuit Court of the county. Appeal from decision of council.

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

146. In any district in which there is no resident judge of the Superior Court, the appeal may be brought before the district magistrate for such district, in the same manner and with the same effect as before the judge of the Superior Court. Districts where there is no resident judge.

147. If, within the time prescribed, the council has neglected or refused to take into consideration a complaint duly filed, any person may appeal to such judge therefrom, in the manner and within the delay of fifteen days after the expiration of the thirty days prescribed in article 131. Appeal on refusal, etc., to consider complaint.

148. A copy of the petition in appeal is served upon the clerk of the municipality, who immediately gives special notice thereof to the mayor, and special notice to the parties interested. Service of petition in appeal.

149. The judge of the Superior Court has full power and authority to hear and decide such appeal in a summary manner, on the day and at the place which he fixes, and shall proceed from day to day, in term or in vacation. Hearing and decision of appeal.

Such appeal has precedence over other causes.

Precedence of appeal.

Powers of
judge.

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

He may *ex-officio* order the correction of any apparent formal irregularity or error found therein, and give any order so that the law on the matter may have its full force and effect

He for such purpose, possesses all the powers conferred upon the Superior Court in relation to matters pending before that court.

Defect of
form.

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

Costs in ap-
peal.

152. The costs of appeal are taxed, in the discretion of the judge, for or against such of the parties as he deems advisable, even against the municipality, and are recoverable under a writ of execution issued in the usual manner, provided the said costs do not exceed the costs of a Circuit Court case.

Decision.

153. The decision of the judge is final.

Correction of
list.

154. The clerk shall correct the list of electors in his possession according to the decision of the court immediately upon authentic copies thereof being served upon him.

SECTION V

MISCELLANEOUS PROVISIONS

Copies of lists
to be furnish-
ed to any rate-
payer, &c.,
on payment.

155. The clerk is obliged to furnish to any rate-payer, asking for the same, a copy of or extract from the electors' list for the year, and is allowed to charge for the same a fee of ten cents for one hundred words for such copy or extract, upon the applicant depositing the amount necessary to pay for the same.

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

156. Every clerk, who knowingly inserts anything not appearing in the original of the list or omits anything in any copy or extract given and certified by him, is liable to a fine not exceeding one hundred dollars, and, in default of payment, to an imprisonment for a period not exceeding two months.

TITLE V

ELECTIONS

SECTION I

DATE OF THE ELECTIONS

157. The general elections for mayor and aldermen of the municipality are held every two years, on the first juridical day of February in accordance with the provisions hereinafter contained.

When general elections are held.

SECTION II

ELECTION OFFICERS

158. The clerk of the municipality shall be the returning-officer for any election held under the provisions of this act; and, in applying the different articles thereof relating to elections to be held under this act, the words "returning-officer" shall mean the clerk of the municipality.

Clerk to be returning-officer.

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

Appointment of returning-officer by mayor, if clerk refuses, &c., to act.

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

Appointment of election clerk.

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

Oath of office of election clerk.

161. The election clerk shall assist the returning-officer in the performance of his duties, and act in his stead as returning-officer whenever the returning-officer refuses or is disqualified or unable to perform his duties, and has not been replaced by another.

Duties of election clerk.

In the case of the change of a returning-officer, the election clerk continues in office, unless he is replaced by another in the discretion of the new returning-officer, in the manner above prescribed.

If new returning-officer appointed.

Penalty on election officers for non-performance of duties.

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

SECTION III

NOTICE OF ELECTION BY THE RETURNING-OFFICER

Notice of election to be given by returning-officer and what to contain.

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

- (a) The place and time fixed for the nomination of candidates ;
- (b) The day on which the poll for taking the votes of the electors is to be held, in case a poll is necessary ;
- (c) The appointment of the election clerk.

Where nomination to be held.

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

SECTION IV

NOMINATION OF CANDIDATES

When nomination to be held.

165. The nomination of candidates at a general election is held on the twentieth of January from noon to two o'clock in the afternoon. If such day be a holiday, it is held on the first juridical day following such date, also from noon to two of the clock in the afternoon.

Who may nominate candidates and form of nomination paper.

166. 1. Ten electors qualified to vote and whose names are entered on the list of electors in force in the municipality may nominate a candidate for the office of mayor, and ten electors qualified to vote and whose names are entered on the list of electors in force in the municipality for the ward for which the election is held may nominate a candidate for the office of alderman for such ward, by signing, in either case a nomination paper, in the form H, if the mayor be in question and in the form H. 1, if an alderman be in question, stating therein the name and surname, residence and profession or occupation of the person nominated, in such manner as sufficiently to identify such candidate, and by

delivering the said nomination paper to the returning-officer on the day and at the hour and place indicated in the notice of the returning-officer published in accordance with article 163, or causing the same to be delivered to the returning-officer as hereinafter mentioned.

2. The mark affixed upon the nomination paper by any elector unable to write, shall be deemed to be the signature required, within the meaning of this act. Mark by those who cannot write.

3. Such nomination papers may also be filed with the returning-officer at any other place, and at any time between the date of the notice of the returning-officer in conformity with article 163 and the day of nomination, with the same effect as if produced at the time and place fixed for the nomination ; and, at the close of the time for nominating the candidates, the returning-officer shall deliver to every candidate or agent of a candidate applying therefor a duly certified list of the names of the several candidates who have been nominated ; and any votes given at the election for any other candidates than those so nominated shall be null and void. Nomination papers may be filed with returning-officer at other places and times.

167. If there be more than one alderman for each ward, the office of alderman for each ward in the municipality is designated by numbers. Numbering of seats if more than one alderman for ward.

168. Nomination papers shall be accompanied by the consent in writing of the person therein nominated, (forms H, H. 1), except when such person is absent from the province ; in which case such absence shall be stated in the nomination paper. Consent of candidate to accompany nomination paper.

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

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

3. The sum so deposited by any candidate is not liable to seizure, and shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-third the number of votes polled in favor of the candidate elected, otherwise, except in the case provided for by article 177, it shall belong to the municipality ; and the sums so paid and not returned as hereinabove provided How deposit to be dealt with.

shall be applied by the returning-officer towards the payment of the election expenses.

Documents to be produced with nomination paper.

170. With each nomination paper shall be filed :

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

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

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

Nomination paper to be attested, &c.

171. 1. The returning-officer shall require the person, or one or more of the persons, producing or filing as aforesaid any such nomination paper, to make oath before him that he knows or they know that the several persons who have signed such nomination paper or have made their mark thereon are electors duly entitled to vote, and that they have signed or have made their mark thereon in his or their presence, and that the consent of the candidate had been signed in his or their presence, or that the person named as candidate is absent from the province, as the case may be.

Form of oath.

2. Such oath may be in the form I, if the office of mayor be in question, and I 1, if that of alderman, and the fact of its having been taken shall be stated on the back of the nomination paper.

Oath of candidate.

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

Validity of nomination paper.

173. No nomination paper shall be valid and carried into effect by the returning-officer, unless it be made and delivered in conformity with the formalities prescribed by articles 166, 167, 168, 169, 170, 171 and 172, inclusively.

Declaration of returning-officer.

But, on accepting and having examined the same, the returning-officer must, at once, declare whether he considers it valid, and give effect to his declaration by entering thereon under his signature the word " admitted " or the word " rejected," with, in the latter case, the reasons for such rejection.

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

New nomination paper.

174. If, at the expiration of the delay fixed for the nomination of candidates for any of the said offices of mayor or alderman, only the number required is nominated for any one of the said offices, 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.

Proclamation of candidates without contestation.

175. The returning-officer shall accompany his return to the municipal council with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this act.

Report to accompany return to council.

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

Withdrawal of candidate.

177. 1. If a candidate die after being nominated and before the closing of the poll, the returning-officer is bound to commence again without delay the proceedings for the election by giving the notice mentioned in article 163, and to fix the day for the nomination of candidates, and for the voting with an intermediate delay of ten days.

Death of candidate.

2. In such case the candidate's deposit shall be returned to his personal representatives.

Deposit how to be dealt with.

3. The election, in the case of this article, must otherwise be held in the same manner as other elections under this act.

Election how to be carried on.

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

Return to be made in such cases.

178. If more candidates are nominated for any of the said offices 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 hereinabove provided.

Poll to be granted if more candidates than offices to fill.

Votes for others than those nominated null.

179. All votes at the election given for persons other than those so nominated shall be null.

SECTION V

PROCEEDINGS BETWEEN NOMINATION AND POLL

Duties of returning-officer.

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

Notice of poll.

(a) six days at least before the polling, give public notice of his having granted such poll, including the names, residences and occupations of the candidates nominated in the order in which they are to be printed on the ballot papers hereinafter mentioned ; and the time when and place where the returning-officer shall add up the number of votes given for the different candidates. Such notices shall be in the form K ;

Deputy returning-officer.

(b) appoint, by a commission under his hand, in the form L, a deputy returning-officer for each polling division, who shall, before acting as such, take the oath of office in the form M ;

Copies of electors' list, &c.

(c) furnish each deputy returning-officer with a copy of the electors' list, if there be one, for the polling division for which he is appointed,—such copy of the electors' list being first certified by himself,—and a copy of the instructions approved by the municipal council for the guidance of electors in the manner of voting, and a copy of that part of this act which refers to elections ;

Ballot-boxes, forms, &c.

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

Ballot papers.

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

Directions for voters.

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

Lists of deputy returning-officers.

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

181. If the list, copy or extract in the possession of any deputy returning-officer has been lost or destroyed, it shall be the duty of the returning-officer to provide that another certified list, copy or extract be supplied to such deputy returning-officer. New list if lost.

182. The returning-officer shall establish a poll in each voting subdivision. Poll in each voting subdivision.

183. The polls are established in central and commodious localities. Where to be established.

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

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

185. The poll-clerk, at the poll for which he is appointed, is bound to 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.

186. If the poll-clerk die, be unable to act, or if he refuse to accept such office, or neglect to discharge the duties thereof, the deputy returning-officer shall appoint another person competent to act as poll-clerk, who shall take the oath prescribed by article 184. New poll-clerk in certain cases and his oath.

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

2. Whenever the poll-clerk acts as deputy returning-officer, he shall, by a commission in the form Q, appoint a poll-clerk, to act in his stead, who shall take the oath required by article 184. Appointment of new poll-clerk.

Making of ballot-boxes. **188.** The returning-officer may cause such number of ballot-boxes as are required to be made.

If ballot-box or screen is not furnished. **189.** Whenever the returning-officer fails to furnish the ballot-box and screen, or either of them, to the deputy returning-officer for any polling division, within the time prescribed by this act, or if either has or both have been removed or lost, such deputy returning-officer shall cause them to be made.

Construction of ballot-boxes. **190.** The ballot-box shall be made of some durable material, with a lock and key, and a slit or narrow opening in the top, and so constructed that the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the box be unlocked.

Form of ballot papers. **191.** 1. The ballot of each elector shall be a printed paper, in this act called a ballot paper, on which the names of the candidates, alphabetically arranged in the order of their surnames, shall be printed exactly as they are set out in the nomination paper; and the ballot paper shall also be provided with a counterfoil and there shall be a line of perforations between the ballot and the counterfoil, the whole as in form R.

Description of paper to be used. 2. The ballot papers shall be printed on good writing paper.

Name of printer to be on ballots. 3. The ballot papers shall bear the name of the printer who prints them.

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

Use of ballots with name of retired candidate thereon. **192.** If a candidate retire too late to allow of the printing of new ballot papers, and polling be proceeded with for other candidates, the deputy returning-officer makes use of the ballot papers in hand after plainly striking out, in a uniform manner by a line in ink, the name of the candidate who has withdrawn, and such ballot papers shall serve for all the purposes of the election.

Property of ballot-boxes, etc. **193.** The property of the ballot-boxes, ballot papers, envelopes and marking instruments procured for or used at any election shall be in the municipality.

SECTION VI

VOTING

194. The polling shall be held in each polling division in a room or building of convenient access, with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted; and one or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference or interruption, mark his ballot paper; and a table or desk with a hard and smooth surface shall be provided, upon which the voter may mark his ballot paper; and a suitable black lead pencil shall be provided and kept properly sharpened throughout the hours of polling for the use of the voters in marking their ballots.

Where the poll shall be held.

Compartments.

Table to be provided, &c.

195. The poll shall be opened at the hour of seven of the clock in the forenoon and kept open until five of the clock in the afternoon of the same day, and each deputy returning-officer shall, during that time, in the polling station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling station; but from seven o'clock until nine o'clock, workmen, artisans and employees in factories have precedence in voting.

Hours for polling.

196. In addition to the deputy returning-officer and the poll-clerk, the candidates and their agents (not exceeding two in number for each candidate in each polling station), or in the absence of agents, two electors to represent each candidate on the request of such electors, and no others, shall be permitted to remain in the room where the votes are given, during the time the poll remains open.

Who may remain in the room.

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

Agents authorized in writing.

197. Any person producing to the returning-officer or deputy returning-officer, at any time, a written authority from a candidate to represent him at the election or at any proceeding of the election, shall be deemed an agent of such candidate within the meaning of this act.

Who may act as agents for candidates.

198. Whenever in that part of this act relating to elections any expressions are used, requiring or authorizing

As to provisions re-

quiring
presence of
agents, etc.

any act to be done, or implying that any act or thing is to be done, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have, in fact, attended at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done.

Candidate
may act in
lieu of agent.

199. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may, in pursuance of that part of this act relating to elections, be authorized to attend.

Who may not
act as agent.

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

Oath of
agents.

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

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

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

Provision as
to election
officers or
agents en-
titled to vote.

203. 1. The returning-officer, on the request of any elector entitled to vote at one of the polling stations, who is appointed deputy returning-officer or poll-clerk, or who is named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning-officer, poll-clerk or agent is entitled to vote at such election at the polling station where such elector is stationed during

the polling day ; and, on the production of such certificate, such deputy returning-officer, poll-clerk or agent shall have the right to vote at the polling station where he is placed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote ; provided that no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such deputy returning-officer, poll-clerk or agent during the day of polling ; but no more than two agents of any candidate shall have the right to vote at any one polling place under such certificates. Proviso.

2. The returning-officer shall not grant such certificate for more than two agents for each candidate at or for each polling station. Limitation.

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

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

204. At the hour fixed for opening the poll, the deputy returning-officer and the poll-clerk shall, in the presence of the candidates, their agents, and such of the electors as are present, open the ballot-box and ascertain that there are no ballot papers or other papers therein, after which the box shall be locked, and the deputy returning-officer shall keep the key thereof. Opening the poll, showing and locking ballot-box.

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

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

206. 1. Not more than one elector for each compartment shall, at any one time, enter the room where the poll is held, and each elector upon so entering shall declare his name and occupation, which particulars shall be entered in the poll-book by the poll-clerk, a number being prefixed to the name. Elector to declare his name, etc.

2. The poll-book shall be kept in the form U. Poll-book.

3. If the elector's name be found on the list of electors for the polling division of the polling station, he shall be entitled to vote. If name is on list.

Oath to be submitted to elector.

How questions to be answered.

207. Any elector presenting himself to vote shall, before receiving his ballot paper, if thereunto required by the deputy returning-officer, the poll-clerk, one of the candidates, or one of their agents, or by any elector present, take the following oath or affirmation, and, under such oath or affirmation, answer in the affirmative to questions numbers 1, 2 and 4, and, if it concerns the election of mayor, in the negative to questions 3, 5, 7, 8, 9 and 10, and, if it concerns the election of an alderman, in the negative to questions 3, 6, 7, 8, 9 and 10, of the following form ;

FORM OF OATH OR AFFIRMATION

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

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

2. Are you a subject of His Majesty ?

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

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

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

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

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

8. Have you received anything, either personally or through your wife or through any member of your family, or, in any other manner, to induce you to vote or not to vote at this election, or in relation to your vote at this election ?

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

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

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

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

209. No ballot paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in article 207 or 208, when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed in such articles.

No ballot to be given to person refusing to be sworn

210. 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 attempts 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 being guilty of an offence which may be summarily tried and of being liable to a fine of two hundred dollars; and in that case, mention is made of such formality by adding after the word "*Sworn*" these words: "*in virtue of article 210.*"

Oath exacted by deputy returning officer.

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

Ballot-paper to be initialed by deputy returning-officer.

212. The deputy returning-officer shall instruct the elector how and where to affix his mark, and how to fold his ballot paper, but without inquiring or seeing for whom the elector intends to vote, except in the case provided for in article 216.

Information to be given to electors.

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

Mode of voting and marking ballots, &c.

and place the ballot paper in the ballot-box, which box shall be placed on a table in full view of those present.

Elector spoiling his ballot-paper.

214. An elector, who has inadvertently dealt with the ballot paper given him in such manner that it cannot be conveniently used, shall, on returning it to the deputy returning-officer, who shall deface it, obtain another ballot paper in its place.

Elector in whose name another has previously voted.

215. If a person, representing himself to be an elector whose name appears upon the list, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form V and otherwise establishing his identity to the satisfaction of the deputy returning-officer, shall be entitled to receive a ballot paper, on which the deputy returning-officer shall put his initials, and he shall thereupon be entitled to vote as any other elector.

Entry in poll-book.

Mention shall be made in the poll-book of the fact of the voter having voted on a second ballot paper issued under the same name. and that, on demand, he has taken the required oath or affirmation mentioned in article 207 or 208, and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate.

Elector unable to mark his ballot.

216. 1. The deputy returning-officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by that part of this act relating to elections, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the sworn agents of the candidates, or of the sworn electors representing them in the polling station, and of no other person, and by placing such ballot paper in the ballot-box; and the deputy returning-officer shall require the voter making such application, before voting, to make oath of his incapacity to vote without such assistance, in the form W.

Interpreter to be sworn in certain cases.

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

If interpreter cannot be found.

Entry in such case.

3. The deputy returning-officer shall enter in the poll-book, opposite the names of the voters whose ballot papers have been so marked, in addition to what is required by article 219, the reason why such ballot was marked by him.

217. Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot paper has been put into the ballot-box. He must be sent away without having voted if he unduly delays in so doing, and his ballot is placed among those to be rejected.

218. No person shall vote more than once at the same election in the same municipality for the election of mayor, and in the same ward for the election of an alderman.

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

220. Every one who—

(a) counterfeits, fraudulently alters, defaces or fraudulently destroys a ballot paper or the initials of the deputy returning-officer, signed thereon ; or —

(b) without authority, supplies a ballot paper to any person ; or—

(c) fraudulently puts into a ballot-box a paper other than the ballot paper which he is authorized by law to put in ; or—

(d) fraudulently takes a ballot paper out of the polling station ; or—

(e) without due authority, destroys, takes, opens or otherwise tampers with a ballot-box or packet of ballot papers then in use for the purposes of the election; or—

(f) being a deputy returning-officer, fraudulently puts, otherwise than as authorized by law, his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election ; or—

(g) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election ; or—

(h) being authorized by the returning-officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print ; or—

(i) attempts to commit any offence specified in this article,—

Penalty. is guilty of an offence summarily triable and shall be liable, if he is a returning-officer, deputy returning-officer or other officer engaged at the election, to a fine not exceeding five hundred dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding one year and not less than two months, with or without hard labour, in default of paying such fine,—and if he is any other person, to a fine not less than twenty-five dollars, and not exceeding two hundred dollars, and to imprisonment for any term not exceeding six months and not less than one month, with or without hard labour, in default of paying such fine.

Witnesses need not appear on voting day. **221.** 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 in the ward in which such elector is entitled to vote.

Masters, &c., to allow employees time to vote. Penalty for not so doing. **222.** Masters and employers and all others who have under them employees who are electors and who live in the municipality in which they are entered, are obliged to allow, without molestation or indemnity, such electors a reasonable time to vote, under a penalty for each refusal of being guilty of an offence summarily triable, and shall be liable to a fine of one hundred dollars.

Proceedings if nomination or polling could not be held on day fixed. **223.** In case, through accident or irresistible force, riot, removal of documents, or other cause of a similar nature, the nomination could not be had, or the polling could not commence at the hour fixed or was interrupted by similar causes before being closed, the returning-officer and the deputy returning-officer, in so far as it concerns either, shall adjourn to the following day to recommence the operation, and day by day, if necessary, until the nomination of candidates may be fully held ; and, in the case of the polling, it is resumed by commencing at seven o'clock until it has lasted ten hours, so that all the electors who wish to vote may have the opportunity of so doing.

SECTION VII

CLOSE OF THE POLL AND PROCEEDINGS THEREAFTER

Close of poll. **224.** At five o'clock the poll is closed and the voting is closed ; an entry thereof is made in the poll-book.

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

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

2. In counting the votes he shall reject all ballot papers which have not been supplied by the deputy returning-officer, —all those by which more than one vote has been given, —all those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning-officer in the cases hereinafter provided for,—all those left in blank or null as uncertain,—all other ballot papers which may have been presented to him and which do not have his initials thereon, saving the case of article 225.

Rejecting ballots.

225. When, at the counting of the ballots, it has been established that the number of ballots deposited in the box corresponds with that entered in the poll-book (taking into account the ballots rejected which were not deposited), and when it appears that the ballots are not other than those supplied by the deputy returning-officer, the said deputy returning-officer, if he notice in counting, for the purpose of assigning them to each candidate, that by oversight or forgetfulness he has omitted initialing some or all of the ballots on the back, may then do so in presence of the persons in the poll house, and at the same time indicate it by a note at the end of his initials,—as a correction made,—and he makes an entry thereof in the poll-book as prescribed by article 226.

Duty of deputy returning-officer if ballots are found not initialed, although only the correct number in the box.

But, before so affixing his initials on the said ballots, the deputy returning-officer must write, sign and attest under oath, before the poll-clerk, the following declaration :

Oath to be taken by him.

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

Form of oath.

Sworn before me, at
this day of 19 , }

This declaration must be deposited with the other documents in the ballot-box.

Deposit of oath in box.

Ballots to be then counted. Such ballot papers are then counted as if all formalities had been duly accomplished in respect thereto.

Objections to ballot papers. **226.** 1. The deputy returning-officer shall take a note of every objection made by any candidate, or his agent or any elector present, to any ballot paper found in the ballot-box, and shall at once decide every question arising out of the objection; and the decision of the deputy returning-officer shall be final, subject to reversal only on recount before a judge, or on petition questioning the election or return.

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

Entry in poll-book.

Duty of deputy returning officer after counting the votes. **227.** The other ballot papers being counted and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels, and those rejected, those spoiled and those unused shall be put respectively into separate envelopes or parcels, and all such envelopes or parcels shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning-officer, and shall be marked with the signatures of any agents present in the polling station who are willing to do so, by writing their signatures across the flap thereof, such agents affixing their seals on the flap if they desire to do so.

Oaths by deputy returning-officer and poll-clerk. **228.** 1. The deputy returning-officer and the poll-clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oaths in the forms X and Y, which shall remain attached to the poll-book; after which the deputy returning-officer shall make out a statement in triplicate, in the form Z, one copy to remain attached to the poll-book, one copy to be retained by the deputy returning-officer, and the third copy to be enclosed by him in a special envelope supplied for the purpose, which envelope he shall seal and deposit in the ballot-box.

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

3. The poll-book, the envelopes containing the ballot papers, the envelope containing the electors' lists, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, and such large envelope shall then be sealed and placed in the ballot-box. Documents to be enclosed in ballot-box.

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

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

230. 1. The returning-officer, at the place, day and hour appointed by the public notice under article 163, and after having received all the ballot-boxes, shall proceed to open them, in the presence of the election-clerk, of the candidates or their representatives if present, or of two electors at least if the candidates or their representatives are not present, and to add together the number of votes given for each candidate, from the statements, contained in the several ballot-boxes returned by the deputy returning-officers, of the ballot papers, and counted by them. Addition of votes by returning-officer.

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

231. Whenever, on the addition of votes by the returning-officer, an equality of votes is found to exist between any two or more of the candidates, and an additional vote would entitle any of such candidates to be declared elected, the returning-officer shall give such additional or casting vote, by declaring in writing, signed by himself for whom he votes. Casting vote of returning officer.

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

Adjournment
if ballot-
boxes are
missing.

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

Adjournment
for other
causes.

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

Loss of boxes.

233. 1. If the ballot-boxes or any of them have been destroyed or lost, or for any other reason are not forthcoming within the time fixed, as in the first paragraph of article 232 provided, the returning-officer shall ascertain the cause of the disappearance of such ballot-boxes, and shall call on each of the deputy returning-officers whose ballot-boxes are missing, or on any other person having them, for the lists, statements and certificates, or copies of the lists, statements and certificates of the number of votes given to each candidate, required by that portion of this act relating to elections, the whole verified on oath; and, if such lists or statements, or any of them, or copies thereof, cannot be obtained, he shall ascertain, by such evidence as he is able to obtain, the total number of votes given to each candidate at the several polling places, and to that end may summon any such deputy returning-officer, his poll-clerk, or any other person, to appear before him on a day and hour to be named by him, and to bring all necessary papers and documents with him, of which day and hour and of the intended proceedings the candidates shall have due notice; and the returning-officer may then and there examine on oath such deputy returning-officer or poll-clerk, or any other person, respecting the matter in question.

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

2. In case of an adjournment by reason of any deputy returning-officer not having placed in the ballot-box a statement of the ballot papers counted by him, the returning-officer shall in the meantime use all reasonable efforts to ascertain the exact number of votes given for each candidate in the polling division of such deputy returning-officer, and to that end shall have the powers set out in the next preceding paragraph.

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

Return of candidate appearing to have majority.

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

Not obeying summons an offence.

SECTION VIII.

RECOUNT AND FINAL ADDITION BY A JUDGE.

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

Provision for recount or final addition of votes by a judge.

Grounds for application.

Security for costs.

Time to be appointed.

2. The judge shall give notice in writing to the candidate of the time and place at which he will proceed to recount the votes, or to make such final addition, as the case may be; and the judge may, at the time of the

Notice.

Service of notice.

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

Order of judge to returning-officer, &c.

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

Who may be present at recount or final addition.

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

Making final addition or opening packets of ballots and recounting the votes.

5. At the time and place appointed, and in the presence of the said persons, if they attend, the judge shall proceed to make such final addition in the manner prescribed by article 224 ; or to recount all the votes or ballot papers returned by the several deputy returning-officers, as the case may be, and shall, in the latter case, open the sealed packets containing : (a) the used ballot papers which have been counted (b) the rejected ballot papers, (c) the spoiled ballot papers, but no other ballot papers.

Day and hour when recount shall take place.

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

Packets sealed during adjournment.

Mode of proceeding with the recount.

7. The judge shall, in the case of a recount, proceed to recount the votes according to the rules set forth in article 224, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate ; and, upon the completion of such recount, or as soon as he

has so ascertained the result of the poll, he shall seal up all the said ballot papers in separate packets.

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

Powers of
Judge.

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

Judge's cer-
tificate.

Casting vote
of returning
officer.

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

Return not to
be made until
judge's certifi-
cate is
received.

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

As to costs
and disposal
of deposit.

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

How costs
shall be
taxed.

SECTION IX

NOTICE AND RETURN OF THE ELECTION

236. The returning officer shall, immediately after the sixth day following the addition by him made under article 230 or after he has established, under article 233, the number of votes given in favour of each candidate, give public notice indicating the candidates elected and send to each of the candidates a certificate of election made out according to form CC, and shall, at the first general session following the election, make a return to the municipal council mentioning

Return of
candidate
elected.

the names, residence and occupation of the candidates elect as in the nomination paper and stating that public notice of the result of such election has been given.

Return
in cases of
recount, &c.

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

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

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

SECTION X

SECRECY OF VOTING

Secrecy dur-
ing poll.

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

Interfering
with voter
marking bal-
lot paper.

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

Ballot paper
not to be dis-
played.

3. No elector shall, except in the case provided for in article 216, show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he votes to be known.

Inducing
voter to dis-
play ballot
paper.

4. No person shall, directly or indirectly, induce or endeavour to induce any elector to show his ballot after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

Number of
ballot paper
not to be
disclosed.

5. No candidate, officer, clerk, agent, or other person shall communicate, at any time, to any person any information as to the number on the counterfoil of the ballot paper given

to any elector at a polling station, except to a court or judge lawfully requiring him so to do.

6. No candidate, officer, clerk, agent or other person shall communicate, at any time, to any person any information obtained at a polling place as to the candidate for whom any elector at such polling place is about to vote or has voted. Information as to voting not to be given.

7. Every candidate, officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting ; and no such candidate, officer, clerk or agent shall attempt to obtain at such counting any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. Secrecy during poll.

8. Every one who violates any of the provisions of this article shall be guilty of an offence triable summarily, and be liable to a penalty not exceeding one hundred dollars, and imprisonment for any term not exceeding three months, with or without hard labour, in default of payment. Penalty.

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

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

Each copy thus certified shall be *primâ facie* proof before every judge, election court, and tribunal in the province. Copies *primâ facie* proof.

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

SECTION XI

KEEPING THE PEACE AND GOOD ORDER AT ELECTIONS

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

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

May require aid and swear in constables.

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

Arrest of offenders.

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

Carrying arms forbidden, &c.

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

Fine.

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

Strangers not to enter polling districts armed.

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

247. No person shall furnish or supply any ensign, standard or distinctive colours, or any flag, to or for any person with intent that it shall be carried or used in such municipality on the polling day, or within eight days before such day, or during the continuance of the polling, by any person, as a party flag to distinguish the bearer thereof and those who follow it as the supporters of any candidate, or of the opinions entertained, or supposed to be entertained, by such candidate; and no person shall, for any reason, carry or use any such ensign, standard, distinctive colours or flag, as a party flag, within such municipality on the day of such polling or within eight days before such day, or during the continuance of such election.

Flags, &c., not to be furnished or carried.

248. No person shall furnish or supply any ribbon, label or like favour, to or for any person with intent that it be worn or used within such municipality on the day of polling, or within eight days before such day, or during the continuance of such polling, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the opinions entertained, or supposed to be entertained, by such candidate; and no person shall use or wear any ribbon, label, or other favour, as such badge, within such municipality, on the day of any such polling, or within eight days before such day, or during the continuance of such polling.

Ribbons or favors not to be furnished or worn.

249. Every one who offends against any of the provisions of the three articles next preceding is guilty of an offence triable summarily, and is liable to a penalty not exceeding one hundred dollars, and to imprisonment for a term not exceeding three months, in default of payment.

Punishment for contravention.

250. No person shall keep open any bar in a hotel or club, any hotel, tavern, shop or store, whether licensed or not, in which spirituous or fermented liquors are ordinarily sold, during the day of voting in the wards of the municipality in which the polls are situated, under a penalty of being guilty of an offence triable summarily and being liable to a fine of fifty dollars, and imprisonment not exceeding three months in default of payment.

Hotel bars, &c., to be closed.

251. On the day of the polling no person shall, within the limits of a ward in which a poll is open, under penalty of being guilty of an offence triable summarily, and being liable

Liquor not to be supplied during certain days.

to a fine of fifty dollars and an imprisonment not exceeding three months in default of payment, either 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 favor of the sick, in which case the liquor can only be sold, lent, delivered or supplied upon the certificate of a priest or minister of some religious denomination, or of a physician; and whoever shall give or deliver a false certificate in respect thereof shall be guilty of an offence summarily triable, and be liable to a fine of fifty dollars, and, in default of payment, to imprisonment not exceeding one month.

252. During the days mentioned in article 251, and under the same penalties, but subject to the same exceptions in case of sickness, it is forbidden to cause to be brought or transported, or to bring or transport, within the limits of the ward in which polls are open, or from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor.

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 that the cases, casks, bottles or envelopes containing the said liquor be not opened, broken or unclosed during the days above mentioned.

253. No person shall lease or let, as a place of assembly for an election committee or election meeting, any house, part of a house or place in which are retailed spirituous or fermented liquors, or in which food or drink is ordinarily supplied for payment, or make use of any such places for that purpose, under penalty of being guilty of an offence triable summarily, and of being liable to a fine not exceeding fifty dollars, and of an imprisonment not exceeding three months in default of payment.

SECTION XII

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS

254. The following persons are guilty of bribery and shall be punishable accordingly:—

(a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure or to endeavour to procure, any money or valuable consideration, to or for any

Bribery.

Gift, loan, valuable consideration, &c., to induce to vote or refrain from voting;

Exception.

Penalty for false certificate.

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

Exception for merchants.

Restriction.

Certain places not to be used as committee rooms.

elector, or to or for any person on behalf of any elector, or to or for any person, in order to induce any elector to vote, or refrain from voting,—or corruptly does any such act on account of such elector having voted or refrained from voting at any election ;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment, to or for any elector, or to or for any other person, in order to induce such elector to vote, or 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, &c., with same view;

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

Same act to promote an election;

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

Work at such election by reason of such acts ;

(e) every person who advances or pays, or causes to be paid, any money to or to 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 repayment of any money wholly or in part expended in bribery or corrupt practices at any election ;

Advance or payment of money to corrupt;

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

Demanding bribe of candidate or agent;

(g) every elector who, before or during any election, directly or indirectly, himself or by any other person, on his

Receiving money, &c., before or

during an election, behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

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

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

Taking bets ; (j) any candidate or his agent who takes any bet or wager concerning or in relation to any election with a qualified elector, as also, such elector and any other person who furnishes money for such purposes.

Penalty ; And every person so offending is guilty of an offence triable summarily, and is liable to imprisonment for a term not exceeding six months, and shall also forfeit the sum of two hundred dollars to any person who sues therefor, with costs.

Proviso. Provided always, that the actual personal expenses of any candidate, his expenses for actual professional services performed, and *bonâ fide* payments for the fair costs of printing and advertising, shall be held to be expenses lawfully incurred, and the payment thereof shall not be a violation of this act.

Penalty on candidate furnishing drink, &c., to an elector. **255.** Every candidate or other person who, at an election, either provides or furnishes drink or other refreshments at the expense of such candidate, to an elector during such election, or pays for, procures or engages to pay for any such drink or other refreshment, is guilty of an offence triable summarily and liable to a penalty not exceeding one hundred dollars, and imprisonment for a term not exceeding three months, in default of payment.

Treating by candidate. **256.** Every candidate who corruptly, by himself or by or with any other person, or by any other ways or means on his behalf, at any time, either before or during any election, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink or refreshments or provisions to or for any person, in order to be elected or for being elected, or for the purpose of

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

257. Every elector, who, with a corrupt motive, accepts or takes any such meat, drinks or refreshments, is also guilty of the offence of treating, and is liable to a fine not exceeding fifty dollars and not less than ten dollars, and an imprisonment of three months in default of payment. Penalty on elector accepting drinks, &c.

258. The giving or causing to be given to any elector, on the nomination day or day of polling, 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 unlawful act; and the person so offending shall forfeit the sum of ten dollars for each offence to any person who sues therefor, with costs. Treating elector by any person on nomination or polling day.

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

260. The hiring or promising to pay or paying for the use of any horse, team, carriage, cab or other vehicle, by any candidate or by any person on his behalf, to convey any elector to or from the poll, or to or from the neighbourhood Conveyance of electors.

thereof, at any election, or the payment, by any candidate or by any person on his behalf, of the travelling and other expenses of any elector, in going to or returning from any election, are unlawful acts; and every candidate or other person so offending shall forfeit the sum of one hundred dollars to any person who sues therefor; and any elector hiring 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 any elector to or from any polling place, shall, *ipso facto*, be disqualified from voting at such election, and shall, for every such offence, forfeit the sum of one hundred dollars to any person who sues therefor.

Personation. **261.** Every person who at an election,—

(a) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person; or—

(b) having voted once at any such election, applies at the same election for a ballot paper in his own name,—

Penalty. is guilty of “personation” and liable to a penalty not exceeding two hundred dollars and not less than fifty dollars, and to imprisonment for a term not exceeding two years and not less than three months.

Aiding personation. **262.** Every person who aids, abets, counsels or procures the commission by any person of the offence of personation shall be liable to a penalty not exceeding two hundred dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding two years and not less than three months.

Subornation of perjury, &c. **263.** Every candidate who corruptly, by himself or by or with any other person on his behalf, compels or induces or endeavours to induce any person to personate any elector, or to take any false oath in any matter wherein an oath is required under that portion of this act relating to elections, shall, in addition to any other punishment, forfeit the sum of two hundred dollars to any person who sues therefor.

Penalty.

Voting, &c., when not qualified. **264.** Every person who votes or induces or procures any person to vote at an election, knowing that he or such person is not entitled to vote thereat, is guilty of an unlawful act, and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs; and in any suit for the recovery of the penalty, the burden of the proof of such person being entitled to vote at the election shall be upon him and not upon the person suing.

Penalty.

Burden of proof.

265. Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at such election, for the purpose of promoting or procuring the election of another candidate, is guilty of an unlawful act and shall also forfeit the sum of one hundred dollars to any person who sues therefor, with costs.

Penalty on persons publishing false rumour as to resignation of candidate.

266. A candidate shall not be liable for any unlawful act under the two articles next preceding, when committed by a third party without his authority.

Liability for acts of agents.

267. Any wilful offence against any one of articles 254, 255, 256, 258, 259, 260, 261, 262, 263, 264 and 265, is a corrupt practice within the meaning of that portion of this act relating to elections.

Certain offences to be corrupt practices.

268. Every executory contract, or promise, or undertaking, in any way referring to, arising out of or depending upon any election under this act, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law.

Contracts or promises relating to election void.

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

Votes to be struck off candidate for bribery, &c., in certain cases.

270. If it be found by the judgment of any court, judge or other tribunal for the trial of election contestations, that any corrupt practice has been committed by a candidate at an election or by an agent, whether with or without the consent of such candidate, the election of such candidate, if he has been elected, shall be void.

Corrupt practice by candidate or his agent to void election.

271. If, on the trial of an election contestation a candidate is proved to have personally engaged any person at the election to which such contestation relates, as a canvasser or agent in relation to the election, knowing that such person so engaged has, within three years previous to such en-

Effect of employing a disqualified canvasser at any election.

gement, been found guilty of any corrupt practice as defined by this act, by any competent legal tribunal, or by the judgment of any judge or tribunal for the trial of election contestations, the election of such candidate, if he has been elected, shall be void.

Effect of corrupt practices and illegal acts at previous elections.

272. The provisions of the three articles next preceding shall not—, except as to the personal acts of the candidates and acts done with the consent of such candidates,—apply to any case by reason of any acts done at any election other than the election to which the contestation relates.

Effect of corrupt practice by a candidate.

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

Election not to be annulled or candidate subject to disqualification if court, upon election contestation, finds certain facts.

274. If, on the trial of an election contestation, the court decides that a candidate at such election was guilty, by an agent, of any offence that would render his election void, and the court further finds—

(a) that no corrupt practice was committed at such election by the candidate personally, and that the offences mentioned were committed contrary to the order and without the sanction or connivance of such candidate; and—

(b) that such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and—

(c) that the offences mentioned were of a trivial, unimportant and limited character; and—

(d) that in all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of such candidate and of his agents;—

then the election of such candidate shall not, by reason of the offences mentioned, be void, nor shall the candidate be subject to any incapacity therefor.

Disqualification of candidate guilty of inducing persuasion.

275. If, on the trial of an election contestation, a candidate or other person is found by the judgment of the court, by himself or his agents with his actual knowledge and consent, to have aided, abetted, counselled or procured the com-

mission at such election of the offence of personation by any person, his election, if he has been elected, shall be declared null and void ; and such candidate or such other person shall be incapable of being elected or sitting in the municipal council during the three following years.

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

Disqualification of persons other than candidates for corrupt practices.

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

Removal of disqualification procured by perjury.

SECTION XIII

CIVIL AND PENAL PROCEDURE

278. All penalties and forfeitures imposed by any of the provisions of this act relating to elections (except in cases of offences punishable summarily) shall be recoverable with full costs of suit by any person who sues therefor by action of debt, in any court of competent jurisdiction ; and in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender, if there is no imprisonment prescribed by the provisions of this act or of the charter, in virtue whereof the penalty is inflicted, shall be imprisoned in the common jail of the district for any term less than two years, unless such penalty and costs are sooner paid.

How certain penalties may be recovered

Imprisonment in default of payment in unprovided cases.

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

Affidavit to be produced with *praecipe*.

The defendant in any such prosecution may, before pleading, obtain that all proceedings thereon be stayed, until the party prosecuting do furnish such security as may be deemed

Prosecutor to furnish security for costs.

ed necessary, in the discretion of the court or judge, or do deposit with the clerk of the court such sum of money as shall be fixed by the court or judge to pay the costs to be incurred in such suit.

Proceedings if infringement summarily triable.

279. When an infringement of any provision of this act relating to elections is summarily punishable, the prosecution may be instituted and judgment obtained by any person making the complaint before a judge of the sessions of the peace, district magistrate or sheriff having jurisdiction and exercising his functions in the district in the limits whereof the offence was committed.

Law applicable.

Saving the special provisions, the procedure to be followed in such cases is that prescribed by part LVIII of the Criminal Code, 1892, (Articles 839 to 909), but there shall be no appeal from the decision given.

Summary proceedings in case of personation.

280. 1. If a person is charged at a polling place with having committed the offence of personation, the deputy returning-officer at such polling place may, and, if requested so to do on behalf of a candidate, shall take the information on oath of the person making the charge; and such information may be in the form EE.

Information.

Detention of alleged personator.

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

Warrant of arrest.

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

Trial, before what magistrates.

4. The magistrate or magistrates named in the warrant shall be any judge of the sessions, district magistrate, police magistrate, recorder or other functionary or tribunal vested with the power of accomplishing alone those acts which should ordinarily be accomplished by two or more justices of the peace and acting within his territorial jurisdiction, and the nearest available within the electoral district.

Law to apply

5. The provisions of part LVIII of the Criminal Code, 1892 (Articles 839 to 909), shall apply to all proceedings under this article.

Execution of warrant.

6. Such warrant shall be sufficient authority for any peace officer, as defined by *The Criminal Code*, 1892, to detain such person until he is brought before the magistrate.

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

If name of alleged personator is unknown.

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

Constables.

281. It shall be sufficient for the plaintiff, in any action under this section, to allege in his declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action is brought, and that the defendant has acted contrary to this act.

What allegation necessary in suits for penalties.

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

Parties competent witnesses and may be compelled to testify.

Proviso.

283. No person shall be excused from answering any question put to him in any prosecution or in any civil action or other civil proceeding, in any court, or before any judge or magistrate, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election; but no answer given by any person claiming to be excused on the ground of privilege shall be used in any prosecution or in any civil action or other civil proceeding under that portion of this act relating to elections against such person, if the court, judge, or magistrate gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the court, judge, or magistrate.

No excuse of privilege allowed for not answering questions in proceedings touching elections.

284. Unless, for special reasons, the court, judge or magistrate deems it advisable to order otherwise, the party

Costs.

failing in any such prosecution, action or proceeding shall bear the costs thereof, and, if such party be the defendant, the costs shall be payable over and above the penalty imposed.

Double costs.

If, however, the prosecution, action or proceeding is abandoned or dismissed, and the court, judge or magistrate is 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 court, judge or magistrate may, on dismissing the same, condemn the plaintiff to pay double costs to the other party.

Allegation and evidence of corrupt practices.

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

Summons by court to person who is liable to penalty.

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

Disobeying summons.

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

Trial.

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

Judgment.

Application of fines.

4. All fines recovered under this article shall belong to the municipality.

No fine in certain cases.

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

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

Limitation of suits.

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

Continuation of proceedings.

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

Intervention of third parties.

SECTION XIV

ELECTION FEES AND EXPENSES

289. The municipal council may make, amend and repeal tariffs of the fees, costs and expenses to be paid election officers.

Tariff of fees &c., to be made, &c., by council.

SECTION XV

MISCELLANEOUS

290. No election shall be declared invalid by reason of non-compliance with the provisions of this act as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the person signing a nomination paper received by the returning-officer, under the provisions of this act, or of any mistake in the use of the forms contained in this act, 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 act, and that such non-compliance or mistake did not affect the result of the election.

Mistakes of form not to void election.

291. No election shall be declared invalid by reason of non-compliance with the provisions of this act as to limitations of time, unless it appears to the tribunal that such non-compliance may have affected the result of the election.

As to limits of time mentioned in this act.

TITLE VI

CONTROVERTED ELECTIONS

Form of proceedings on contestation.

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

Grounds of petition.

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

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

Contents of petition.

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

To be supported by affidavit.

Delay to receive petition.

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

Security for costs.

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

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

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

295. 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 rules of procedure prescribed by section two of chapter forty of the Code of Civil Procedure. (Articles 987 to 991). Case to be proceeded with summarily.

If, upon the issues, it 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 courts, if ballots, &c., to be examined.

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

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

296. The judgment rendered on a petition under this act is subject to appeal or revision before the Superior Court, sitting in review; the case is heard as a privileged case and has precedence over other cases; the judgment of the Court of Review is final. Appeal from judgment on petition.

297. It shall be the duty of the petitioner to cause the judgment upon the petition to be served upon the municipality, by leaving an authentic copy thereof with the clerk. Service of judgment.

If, by such judgment, the election of the defendant is set aside and some other person declared duly elected, the latter shall be recognized by the council; but, if the election contested be thereby adjudged to be annulled, the seat of the defendant shall be dealt with as vacant, and proceedings for a new election to fill such vacancy shall be forthwith taken. Proceedings thereafter.

TITLE VII

ELECTION OF MAYOR BY THE COUNCIL

Proceedings
by council to
elect mayor.

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

Notice to per-
son elected.

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

Filling of va-
cancy caused
by such elec-
tion.

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

TITLE VIII

SESSIONS OF THE COUNCIL

Where ses-
sions are held.

301. The council sits at the place designated in the charter for the first session, until another locality within the limits of the municipality be determined by resolution, and the council may, in like manner, change the same whenever it deems expedient.

When meet-
ings of coun-
cil are held.

302. The council meets at least once a month in general or ordinary session to despatch the business of the municipality, and holds its sessions on the days and at the hours which it determines by by-law.

Notice to
members.

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

Holidays.

303. If the day fixed for an ordinary session falls upon a holiday, such session is held on the following juridical day.

Quorum.

304. The majority of the members of the council, exclusive of the mayor, shall constitute a quorum for the transaction of business, except as otherwise specially provided by this act.

Sessions
public.
Exception.

305. The sessions of the council are public ; but, on a vote of the majority of the aldermen present, a session with closed doors may be ordered.

306. The mayor may call a special session of the council when and as often as he may deem proper ; such session may be convened upon verbal or written intimation from the mayor to the clerk of the municipality, who thereupon issues a notice of meeting summarily specifying the business to be transacted at such session, and causes a copy of such notice to be served or sent by registered mail to every member, at his domicile or place of business, at least two days prior to such session ; and the mailing of a registered notice two clear days before such session is deemed equivalent to service of such notice.

Special meetings called by mayor.

Notice thereof.

307. In case the mayor at any time refuses to call a special session when deemed necessary by at least three members of the council, it shall be lawful for such members, by a requisition to the clerk of the municipality, duly signed by them, to order the session to be called ; and upon such requisition the clerk of the municipality issues a notice to the members in the manner mentioned in the preceding article, provided such requisition shall specify the business for which the session is called.

Upon refusal of mayor, meeting may be called by five members.

308. At such special sessions, no business but that specified in the notice is considered or disposed of.

Business to be considered at special meetings. Adjourned meetings.

309. If, at any special or general session, the business cannot be fully disposed of, it shall be lawful for the council to adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business, without its being necessary to give notice of such adjournment to the members present or absent ; but, no new business shall be brought before or considered at any such adjourned session.

310. The mayor presides over all sessions of the council, and has the casting vote in case of equality of votes, but does not otherwise vote ; should the mayor and acting mayor be absent from any session, the council chooses another of its members to preside.

Who presides.

The acting mayor or any member presiding over a session of the council has the right to vote, and may also give the casting vote in addition thereto.

Vote of acting-mayor, &c.

311. At sessions of the council, the majority of the members present 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 by a provision of law.

Majority to decide questions.

Exception.

312. No member of the council shall take part in the discussion of any question in which he has a personal interest.

Member interested.

- Decision of council thereon. The council, in case of dispute, shall decide whether the member has a personal interest in the question, and such member has no right to vote on the question of his interest.
- Restriction. This article does not apply to the appointing of committees.
- Rules for internal government. **313.** The council may make and enforce rules and regulations for its internal government, and for the maintenance of order during its sessions.
- Maintenance of order and decorum. **314.** The mayor maintains order and decorum during the sessions of the council; he may arrest or cause to be arrested any one who may disturb the council during any session thereof, and have him placed in custody; and such person shall, for every such offence, incur a fine not exceeding twenty dollars.
- Minutes of proceedings. **315.** The minutes of the sessions of council are drawn up and fairly entered in a book to be kept for that purpose by the clerk of the municipality, and, after being read and confirmed at the following session, are signed by the said clerk and by the mayor or the member who presides over such session, and they are open to the inspection of all rate-payers who wish to examine them.

TITLE IX

MUNICIPAL NOTICES

- Notices. **316.** Except when otherwise provided, every notice given under the provisions of this act or the orders of the council, or for municipal purposes, shall be drawn up, and published and served, in accordance with the formalities prescribed in the following articles.
- Special and public notices. **317.** Every notice is either special or public, and shall be given in writing.
Public notices are published; special notices are served.
- Copy, by whom certified. **318.** Every copy of a notice which must be served, published or posted up, shall be attested either by the person who gives such notice, or by the clerk of the council.
- Certificate of publication or service. **319.** The original of every notice is accompanied by a certificate of publication or of service, made by the person publishing or serving the same.
- Filing. The original of such notice and the certificate which accompanies it are filed in the office of the council, by the person who has given the notice, to form part of the municipal archives.

320. Except in cases where the service is made by mail, the service of a special notice is effected by leaving a copy of the notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business, even when occupied by him in partnership with some other person.

Special notice, how served.

321. Every owner of land or tax-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for purposes connected with the service of municipal notices.

Agent of absent tax-payer.

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

Notice served on agent.

If an agent resident in the municipality has not been appointed, the notice is served by lodging, in the post office of the locality, a copy thereof in a sealed and registered envelope addressed to the absent proprietor or tax-payer, or to any agent he may have appointed.

In default of agent.

323. Unless such proprietor has made known his address in writing by filing the same in the office of the council, no one is bound to give a special notice to any absent proprietor who has not appointed an agent.

Absentee without agent or address.

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

When to be served.

325. If the doors of the domicile or place of business, where service of a special notice should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile or place of business.

How served in certain cases.

326. The intermediate delay after special notice runs from the day on which such notice was served, exclusive of such day.

Intermediate delay.

327. The publication of a public notice for municipal purposes, is made by posting up a copy of such notice, at two different places in the municipality, determined upon from time to time, by resolution of the council.

Publication of public notice at places fixed by council.

In default of places determined upon by the council, the public notice is posted upon or near the principal door of at least one place of public worship, if there are any, and at

If no places have been fixed.

a place of public resort, and at two other places of public resort, if there is no place of public worship.

Publication
by notice in
newspapers.

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

Idem.

329. No notice can be inserted in English and in French in a newspaper published in one of these languages only.

Computation
of delay.

330. Except in cases otherwise provided for, the intermediate delay after a public notice dates from the day on which such notice has been made public; if it be ordered that the notice must be published in a newspaper, the intermediate delay dates from the day of the first insertion of such notice in the newspaper; if the notice be published in several newspapers upon different days, the intermediate delays date from the day of the first insertion made in the newspaper which last published such notice.

In all cases the day on which the notice was made public does not count.

Public notices
as regards
absentees.

331. Except in cases otherwise provided for, public notices are applicable to and binding upon proprietors or taxpayers domiciled out of the municipality, in the same manner as upon those who are domiciled therein.

Acquiescence
covers irregu-
lar notice.

332. Whosoever 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, cannot thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

TITLE X

POWERS OF THE COUNCIL

SECTION I

GENERAL PROVISIONS

Extent of
jurisdiction
of council.

333. The council has jurisdiction throughout the entire extent of the municipality and beyond the limits of the municipality in special cases where more ample authority is conferred upon it.

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

Duties of council.

335. By-laws, resolutions and other municipal orders must be passed by the council in session.

How by laws, &c., are passed.

336. Any *procès verbal*, roll, resolution or other order of the council, may be set aside by the Superior Court of the district in which the municipality is wholly or partly situated, by reason of illegality, in the same manner, within the same delay, and with the same effect as a by-law of the council, and shall be subject to the provisions of articles 348 and 378.

Power of Superior Court to set aside *procès-verbal*, &c.

337. Save the cases otherwise provided for, documents, orders or proceedings of a council, the publication of which is required by law or by the council itself, are published in the manner and at the place prescribed for public notices.

Council acts, how published.

338. Documents produced as exhibits, and filed in the office of the council or with its officers, are returned on receipts to the persons who produced the same, whenever they require them ; provided always that the question in relation to which they were produced has been decided.

Exhibits.

339. Every service, which should be made at the office of the council, may with equal validity be made outside of such office, upon the clerk personally.

Services upon council.

SECTION II

BY-LAWS OF THE COUNCIL

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

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

Notice and proceedings upon presentation and adoption of by-laws.

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

Signature of originals.

If such by-law should have been submitted for the approval of the municipal electors before coming into force, and such approval has been given, a certificate under the signature of the mayor and clerk establishing the fact, shall accompany the original of such by-law and form part thereof.

Certificate required.

Book of by-laws.

342. The original of every by-law is registered at length in a special book entitled: "Book of the by-laws of the council of the city (or town) of _____; " such entry is signed by the mayor and countersigned by the clerk.

Entry of certificate of publication.

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

Clerk custodian of by-laws.

343. The clerk is the custodian of the municipal by-laws.

By-laws regulating several objects. Approval thereof.

344. One and the same by-law may regulate several objects.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Coming into effect of by-laws.

345. Saving always those cases otherwise provided for by law, the by-laws of the council come into effect and have the force of law, if not otherwise provided for therein, fifteen days after publication.

Publication of certain by-laws.

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

How notice published.

347. By-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, by a public notice under the signature of the mayor and clerk, published in the usual manner, in which mention is made of the object of the by-law, of the date on which it was passed, and of the place where communication may be taken thereof.

What to contain.

If the by-law be approved of by the municipal electors, the notice and publication also mentions that such formality has been observed, and the date upon which it was complied with.

Newspapers.

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

How long to remain in force.

348. By-laws are executory and remain in force until they are amended, repealed, disallowed or annulled by competent authority, or until the expiration of the period for which they have been made.

Repeal, &c., of by-laws sanc-

349. By-laws, which before coming into force and effect have been submitted for the approval of the municipal

electors, cannot be amended or repealed except by another by-law approved in the same manner. tioned by municipal electors.

350. The repeal or amendment of any by-law can only be made by means of another by-law. How by-laws are to be repealed, &c.

351. By-laws passed by the council are, when published, deemed public laws within the limits of the municipality and outside of the same within the jurisdiction of the council, and it is not necessary to allege them specially. By-laws to be public laws within municipality.

352. A copy of any by-law, duly enacted, is received as evidence, provided that the same be signed and certified by the clerk of the municipality, and be sealed with the corporate seal of the municipality, without any proof being necessary of the validity of the corporate seal, or the signature of the said clerk;—saving the rights of any party attacking the by-law to proceed against the same by improbation. Copies of by-laws, &c., to be evidence.

§ 2.—Penalties enacted by by-laws

353. The council may impose, by any of the by-laws which may be enacted in accordance with the powers granted to it, for every infraction of the by-laws, either a fine, with or without costs, or imprisonment; and if a fine, with or without costs, may provide for imprisonment in default of immediate payment of such fine with or without costs, as the case may be, but, with the exception of the cases otherwise provided for, such fine shall not exceed forty dollars nor such imprisonment last more than two months; and where such imprisonment is ordered in default of payment of the fine or of the fine and costs, such imprisonment shall cease on payment of the fine or of the fine and costs. Penalties which may be imposed by by-law.

If the infringement of a by-law continues, such continuation constitutes a separate offence, day by day. Continuous infringement.

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

§ 3.—Approval of by-laws by owners of immoveable property and by the Lieutenant-Governor in Council

354. When a by-law of the council has to be submitted to the electors who are owners of immoveable property, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed. Proceedings at meetings of electors to consider by-laws.

355. The general meeting of such electors who are owners of immoveable property is convened, at least eight days Convocation of meeting.

beforehand, by a public notice signed by the mayor, for a day specified by the council, at the public municipal hall.

Who pre-
sides.

356. The said meeting is presided over by the mayor or acting-mayor.

Clerk and his
duties.

The clerk of the council acts as secretary, reads the by-law, and submits it to the meeting.

If no poll
demanded
within cer-
tain time, by-
law approved.

357. If half an hour elapses after the meeting is opened without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Who may
demand poll.

358. Six electors, who are owners of immoveable property and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Duty of pre-
siding officer
thereupon.

Upon such requisition, the mayor or other person presiding shall, within the following eight days, fix two days for the poll.

Poll by whom
to be kept.

359. The poll is presided over by the mayor with the assistance of the clerk, and is held in the public municipal hall or any other place determined by the council.

Open for one
day between
certain hours.

360. The poll is held on two juridical days from ten o'clock in the morning to five o'clock in the afternoon.

Presiding offi-
cer need not
remain all the
time, &c.

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

Voting.

362. Each elector presents himself in his turn and gives his vote by "yea" or "nay"; the word "yea" meaning that he approves of the by-law, and the word "nay" that he disapproves of it.

Entry in
poll-book.

The name of the elector and the vote given by him are entered in a special book, called: "poll-book," kept by the clerk for the purpose.

Right to vote.

363. No one is allowed to vote, unless his name appears on the valuation roll in force or on the list of electors if there be one, as a municipal elector as owner of immoveable property.

Taxes need
not be paid.

In this case, it is not necessary that such electors have paid their school and municipal taxes.

Addition of
votes.

364. At the close of the poll, the mayor or person presiding, counts the "yeas" and "nays;" and, within the four following days, he submits to the council the result of the voting together with a statement of the value of the taxable

immoveable property of each voter according to the valuation roll in force.

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

If the council wishes to examine the poll-book and the valuation roll, they are at once submitted. Examination of poll books

365. Every by-law, which has to be submitted to the electors who are owners of immoveable property, shall, in order to have effect, be approved by at least the majority in number and value of the immoveables belonging to the said electors who have voted. Majority required to approve by-law.

366. When the votes are equally divided, the mayor, whether he has or has not presided at the voting, gives his casting vote. Casting of vote of mayor.

367. The poll-book, the statement and certificate produced, are deposited in the archives of the council. Poll book, etc., to be deposited in archives.

§ 4.—*Contestation and quashing of by-laws*

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

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

370. The petition shall set forth, in a clear and precise manner, the reason alleged in support of the demand, and be accompanied by a certified copy of the by-law impugned, if such copy could be obtained. Allegations of petition, etc. Copy of by-law to be annexed.

If such copy could not be obtained, the court or the judge, upon application being made to that effect, shall order the production thereof by the clerk of the council, and the clerk is for such purposes deemed to be an officer of the court giving such order or to which the judge giving the order belongs. If copy cannot be procured.

371. The petition is served at the office of the council, four days at least before it is presented to the court or to the judge. Service of petition.

Security for costs.

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

Judge may allow answer in writing.

373. The court or judge may, if it or he deem expedient, allow an answer in writing to be given to the petition.

Proceedings summary.

374. The court or the judge proceeds in a summary manner to hear and decide such contestation.

Evidence.

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

Judgment of court.

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

Effect of annulment.

376. Every by-law or part of a by-law, so quashed, ceases to be in force from the date of the judgment.

Costs.

377. The court or the judge may condemn either of the parties to pay the costs of the contestation; and such costs are recoverable as well against the parties to the suit as against their sureties.

Execution against sureties

The judgment, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them.

Damages.

378. The municipality is alone responsible for the damages and suits which may arise from the putting in force of any by-law or part of a by-law, the quashing of which has been so obtained.

Prescription of suit to annul.

379. The right of demanding the quashing of a by-law is limited to three months next after the entry into force of such by-law.

§ 5—Disallowance of by-laws

Copy of by-laws to be sent to Lieutenant-Governor in council who may disallow the same.

380. A copy of every by-law made under this act or the charter shall be transmitted without delay to the Lieutenant-Governor in council, who may, within three months from the receipt of such copy, disallow the by-law. Notice of such disallowance shall be published in the *Quebec Official Gazette*, and from the day of such publication the by-law shall be null and void.

SECTION III

GENERAL POWER TO PASS BY-LAWS

381. The council may make, amend and repeal by-laws : Council may, by by-law :

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

2. To amend, replace and repeal, in whole or in part, all ordinances or by-laws made by the municipal councils which have had the government of the territory comprised within the municipality, and which have been continued in force within the bounds of such territory.

SECTION IV

INSPECTION OF HOUSES, &C., AND SEIZURES AND CONFISCATIONS

382. The council may make, amend and repeal by-laws : Council may, by by-law :

1. To authorize the officers of the council to visit and examine all moveable and immoveable property, as also the interior or exterior of any house, building or edifice whatsoever, to ascertain if the by-laws of the council are executed in respect thereof, and to compel the owners or occupants of such property, buildings and edifices to admit the officers of the council ;

2. To authorize the confiscation of any article offered for sale or sold or delivered, in contravention of the by-laws in virtue of this act or of the charter.

SECTION V

PROTECTION OF PERSONS AND PROPERTY

383. The council may make, amend and repeal by-laws : Council may make, &c., by-laws respecting :

1.—CONSTRUCTION AND INSPECTION OF BUILDINGS, CHIMNEYS, ELEVATORS, ETC.

1. To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures ; to prevent the construction of such as are 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, size

and materials of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus ; to regulate the architecture, dimensions and symmetry of buildings in certain streets ; to compel the proprietors to submit the plans thereof to, and previously obtain a certificate in writing from the building inspector or any other officer ; to prohibit the construction of buildings and structures not conforming to such by-laws, and to direct the suspension at any time of the erection of any such building as does not conform to such regulations, and to cause the demolition of any building not conforming to such by-laws, if necessary ;

Demolishing
of dangerous
buildings,
etc. ;

2. To authorize the building inspector or any other officer to demolish any house or building that may endanger life ; to cause such house or building to be temporarily vacated, if he deems it necessary ; and to do and perform such work of repair as he may deem necessary for the safety of the structure, and to recover, from the proprietor, the cost so incurred ;

Construction,
&c., of der-
ricks, &c. ;

3. To regulate the construction, location and operation of derricks, windlasses, freight and passenger elevators and other apparatus hazardous to life and property ; to have the same inspected, from time to time, by the building inspector or any other officer, and to authorize such inspector or other officer to forbid the use thereof until the same are built or operated in accordance with the by-laws ;

Inspector of
buildings, &c. ;

4. To prescribe and define the duties and powers of the inspector of buildings, and to authorize him, and such other officers as may be appointed by the council for that purpose, to visit and examine, in the performance of their duties, both the interior and the exterior of any house or building, for the purpose of adopting any measure tending to prevent fires, or deemed necessary for public security ;

2.—SMOKE CONSUMING APPARATUS

Smoke-con-
suming appa-
ratus.

5. To compel persons, owning or using steam engines, steam boilers, factories, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment, and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this paragraph, and to enact that, in default of immediate payment of the said fine and costs by the offender, he shall be condemned to an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of fifty dollars per day, for each and every day the offender shall continue in the violation of such by-law ;

3.—ENGINES AND BOILERS

6. To regulate the erection, use or employment of engines and steam boilers, electric dynamos and other electric machines, and the qualification of the persons charged with the working of the same, their examination and license ; Steam-engines, etc. ;

4.—GAS AND ELECTRICAL APPARATUS, &C.

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

5.—FENCES

8. To compel the owners of all lands, whether vacant or not, in the municipality, or their representatives or agents, to fence in such lands, and to regulate the mode of construction and the strength and quality of the materials to be used for fences ; Fencing of vacant lands &c. ;

9. To provide for the protection of persons and animals against injuries or damages that might be caused by barbed wire fences ; or to prohibit such fences entirely throughout the municipality, or in some places only ; Barbed wire fences ;

6.—GAMES IN THE STREETS

10. To regulate or prevent the playing of games or any other amusements on the streets, alleys, sidewalks or public squares ; Games, etc. in streets ;

7.—BLASTING

11. To regulate blasting ; Blasting ;

8.—SHOOTING

12. To prohibit or regulate shooting with guns, pistols or other fire-arms, or arms discharged by means of compressed air or any other system ; Shooting with guns, &c. ;

9.—DOGS

13. To license and regulate the keeping of dogs ; to muzzle dogs ; to prevent dogs from running at large, and to authorize the summary destruction thereof ; Dogs ;

10.—HORSES

14. To determine the manner in which horses shall be left standing or shall be secured in streets, public squares Horses in the streets ;

and open sheds in the municipality ; to prevent horses being driven at a faster pace than a walk around corners or on public bridges, and generally to prevent horses being driven at an immoderate pace in the streets or on the public squares ;

11.—POUNDS

Pounds ; 15. To establish pounds under the supervision and control of the council ; to restrain the running at large in streets, lanes and public squares of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the distraining and sale of the same, and to fix a tariff of fines for such impounding ;

12.—POLICE AND SPECIAL CONSTABLES

Organization of police force, etc. ; 16. To provide for the organization, equipment, maintenance and discipline of a police or constabulary force, with power to regulate the residence, classification, rank, service, inspection and distribution of the members of such force, and to prescribe their duties ; to authorize the mayor, in cases of emergency, to appoint as many temporary police officers, at a compensation to be fixed by the council, as he may deem necessary, provided that such appointments shall not continue in force for more than one week without the consent of the council ; to provide for the punishment, by dismissal or by fine or imprisonment, of any member of the police force who shall, directly or indirectly accept any money or gratuity, or any kind of intoxicating liquor ;

General powers of policemen, etc. ;

(a) The policemen or constables of a municipality have power, authority and jurisdiction as such within the limits of the municipality, and in any territory to which the jurisdiction of the municipality extends for any purpose.

Are constables, &c.

(b) The policemen or constables of a municipality are constables or peace officers for every judicial district within which the municipality is wholly or partly situated, in the performance of their duties, and have all the powers and authority conferred on constables or peace officers by the common law.

May arrest on view.

(c) Except when otherwise provided, any policeman or constable may arrest on view any person infringing a by-law of the council.

May enter inns, &c.

(d) Every police officer or constable has the right to enter, by day, or by night, any inn, restaurant, hotel, shop or establishment under license to sell spirituous, vinous or fermented liquors, as well as any other public place coming under the by-laws of the municipality, for the purpose of ascertaining

whether the laws and by-laws governing such houses are observed, and to arrest on view and without warrant any person he may find in such houses contravening the law or by-laws; and the owners or occupants of such inns, restaurants, hotels, shops or establishments are bound to admit such officer or constable, under penalty of a fine not exceeding fifty dollars, and of an imprisonment not exceeding three months in default of payment.

- (e) All prisoners brought to the police stations, charged with the commission of any offence, shall be brought before the proper tribunal without delay to be dealt with according to law. Persons confined in police stations.
- (f) 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 is apprehended by warrant,—provided it be for an offence against the provisions of this act, the charter or any municipal by-law,—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 a competent court. In default thereof, the bail shall be forfeited and the deposit confiscated, and the competent magistrate may order the arrest of such accused. Release on bail, etc.; Condition of bail. Default to appear.
- (g) No person shall wear, and no person, firm or company shall cause to be worn, any costume or uniform similar to that of the police force of the municipality; and every person, firm and company contravening this provision shall be liable to a penalty not exceeding twenty dollars for each offence, upon complaint before the competent court. Certain uniforms not to be worn.
- (h) No person shall act as a special constable or detective within the limits of the municipality, without having first obtained a certificate of good character from the mayor, and being duly sworn as such before the mayor or the clerk of the council. Certificate required before special constable, etc., may act.
- (i) A register of all such special constables and detectives shall be kept by the clerk of the council, and each such constable and detective shall be entitled to receive from the clerk of the council a certificate establishing that the formalities required by this article have been complied with. Register of such constables, etc., to be kept, etc.
- (j) Such certificate shall be sufficient evidence of the authority of such special constables or detectives to act as such. Effect of certificate.

Badge to be worn. (k) Each such constable or detective shall wear a badge to be supplied, at his own cost and expense, by the municipality.

Lock-up; 17. To erect in the municipality a place of detention and one or more places for the temporary custody of any person under arrest ;

13. - FIRE AND FIRE BRIGADE

Protection of property, &c.; 18. To protect the lives and property of the inhabitants and prevent accidents by fire ;

Prevention of fires ; 19. To compel proprietors of buildings, occupied as hotels, Fire-escapes ; theatres, factories, schools, colleges, convents, hospitals, places of public entertainment or by any religious community, and such other buildings as the council may indicate, to provide them with efficient fire-escapes ; to cause such buildings to be examined from time to time by the inspector of the municipality or any other officer, and to prohibit the use thereof so long as they are not provided with such fire-escapes and have not been inspected ;

Construction of chimneys, &c ; 20. To regulate the construction, dimensions, and height of cut-fires and chimneys above the roofs, or in certain cases above the cut-fires and chimneys of neighboring houses and buildings, and determine at whose cost the elevation of such chimneys and cut-fires shall be raised, and within what delay they shall be raised or repaired ; to prevent bakers, potters, blacksmiths, brewers, potash or pearlash makers or other manufacturers or persons whomsoever from building and having ovens, unless the same communicate with a stone or brick chimney and open into such chimney, which must rise at least three feet above the building in or near which such ovens are built ;

Removal of chimneys, &c. ; 21. To prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus ; to regulate the carrying on of manufactures liable to cause fires ; and to prevent the depositing of ashes or the accumulation of shavings, or other combustible materials in unsafe places.

Sweeping of chimneys, &c. 22. To regulate the manner in which and the periods of the year when chimneys shall be swept ; to grant licenses to such number of chimney-sweeps as the council shall think proper to employ ; to oblige all proprietors, tenants or occupants of houses in the municipality to allow their chimneys to be swept by such licensed chimney-sweeps ; and to fix the rates to be paid for sweeping chimneys, either to the council or to such licensed chimney-sweeps, which rates for chimney sweeping, if paid to the council, shall be considered as municipal taxes ;

23. To impose a penalty of not less than one dollar nor more than five dollars on all persons whose chimneys may have caught fire, after any refusal to allow them to be swept; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses or households in the same house, the above penalty may be imposed in full on each house or household, or divided among them in proportion to the degree of negligence of each;

Fines upon persons whose chimneys take fire after refusal to allow chimney sweeps to clean them

24. To prescribe fire-limits within which wooden buildings or structures shall not be erected, placed or repaired; to direct that any building within such fire-limits, when damaged by fire, decay or otherwise, to the extent of one half its value, shall be torn down and removed; to prescribe the manner of ascertaining such percentage, and to provide for requiring the owners of buildings or other structures, which have been destroyed or partially destroyed or have become dangerous by fire or otherwise, to take the same or any part thereof down; and, in case of refusal or neglect of said owner to so take the same down when ordered by the council, to cause the same to be done at the expense of the owner, and to levy the cost thereof by privilege upon the land upon which such building or structure stands;

Wooden buildings, &c. ;

25. To regulate the location of lumber-yards and places for piling timber, fire-wood and other combustible materials, and the manner of piling the same; and to require any person maintaining any shingle, lath or lumber yard in the municipality to remove the same when they become dangerous to buildings, structures or other neighboring property;

Lumber-yards, &c. ;

26. To fix the places in the municipality for the erection of factories or other establishments using machinery worked by steam, electricity, gas or any inflammable substance;

Erection of steam, &c., factories ;

27. To regulate and prohibit the storage and use 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 municipality or within one mile therefrom;

Storage, etc., of gun-powder, &c. ;

28. To prevent any person from lighting or keeping a fire in any out-house, pigsty, barn, shed or other building, otherwise than in a chimney or a metal stove;

Lighting fires in sheds, &c. ;

29. To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel;

Carrying fire in streets, &c. ;

30. To compel the owners or occupants of barns, hay-lofts, or other buildings, containing combustible or inflammable substances, to keep the doors thereof shut;

Combustible or inflammable substances ;

31. To regulate the manner in which quick-lime and ashes are to be kept or deposited;

Quick-lime and ashes ;

- Sale of explosive substances ;
Clearing of brush off lots, &c. ;
32. To determine the precautions to be taken for the sale of powder or other explosives ;
33. To compel the owner or owners of vacant property within the limits of the municipality to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property ;
- Fire-crackers, &c. ;
34. To regulate or prohibit the use of fire-crackers, torpedoes, roman candles, sky-rockets and other fire-works ;
- Fire-escapes, &c. ;
35. To require the owners or lessees of houses and buildings to place thereon such fire-escapes and appliances for protection against or for the extinction of fires ;
- Fire department, &c. ;
36. To organize, maintain and regulate a fire department and fire brigade, and to equip and maintain the same with all necessary appliances by purchase or lease ; to provide for the construction of fire stations ; to appoint all officers and men necessary for the extinction and suppression of fires, the protection of property from fire, and the prevention of accidents by fire ; to provide for the punishment of any person who may interfere with any member of the fire brigade in the performance of his duty, or refuse to obey the lawful orders of the chief or deputy-chief of the fire brigade, or who may tamper with or obstruct any of the signal boxes, wires, or apparatus of the fire alarm department ;
- Demolition of buildings at fires, &c. ;
37. To authorize the demolition of buildings, houses and fences, when deemed necessary to arrest the progress of fire ; to empower the mayor, the chief of the fire brigade or other officers to exercise the powers mentioned in this paragraph ;
- Conduct at fires ;
38. To regulate the conduct of all persons present at a fire ;
- Thefts at fires ;
39. To prevent thefts at fires ;
- Sending of fire-engines out of municipality to assist in cases of fire, &c. ;
40. To authorize the mayor, under such provisions as the council may enact, to send fire-engines, men and apparatus to any municipality outside of the municipality, that may be endangered by fire ; provided however that such municipality shall be held responsible for all expenditure or damage which may be incurred in connection therewith ;
- Inquiry into origin of fires.
41. To establish, authorize or cause to be established, after each fire in the municipality, an inquiry into the cause and origin of such fire ;
- Powers to that effect.
- For this purpose, the council, or a committee composed of two or more of its members by it authorized, may summon witnesses, and compel them to appear and give evidence and examine them under oath to be administered by any one of its members.

SECTION VI

PUBLIC HEALTH

384. The council may make, amend and repeal by-laws : Council may make, &c., by-laws respecting :

1.—BOARD OF HEALTH AND CONTAGIOUS AND INFECTIOUS DISEASES

1. To establish a board of health, with such powers, privileges and authority, as the council may deem fit, which board may be composed of aldermen or of qualified citizens outside of the council ; to take means to promote the public health ; to provide precautionary measures against the introduction of diseases ; to prevent contagion or infection therefrom, and for diminishing the danger thereof ; and to define and regulate the duties, powers and attributions of the health officers ; the whole without prejudice to the Quebec Public Health Act, 1901 ;

Board of Health ;

2. To establish and regulate hospitals and pest-houses, and to protect the public health and suppress diseases ; to prevent the introduction of contagious, infectious and other diseases into the municipality ; to secure the isolation of persons infected by such diseases, and enforce such by-laws within the municipality ; to regulate, control or prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with contagious diseases, and to make such disposal of such persons or property as to preserve the public health, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the municipality ; the whole without prejudice to the provisions of the Quebec Public Health Act, 1901 ;

Hospitals, etc. ;

3. To establish a complete and efficient system of vaccination ; to establish offices for that purpose ; to appoint officers, to authorize them to make domiciliary visits, to destroy linen, clothing and any other articles infected with small-pox or any other contagious disease ; to isolate patients 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 cause such measures to be taken as the council may deem necessary to regulate, control, prevent or arrest the progress of small-pox or other contagious or endemic disease ;

Vaccination, etc. ;

2.—INSPECTION AND SEIZURE OF PRODUCE AND PROVISIONS

4. To provide for the inspection of meat, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk,

Inspection of meat, etc. ;

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 municipality 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;

- Dairies, etc. ; 5. To provide for the inspection of 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 cowsheds situate within the limits of the municipality, whence the milk sold in the municipality comes; to inspect and regulate the premises in which milk is sold; to compel milkmen selling milk in the municipality to employ the methods of transport and treatment of milk most suitable for protecting it against contamination and to ensure the purity thereof; to grant licenses to milkmen selling milk in the municipality; to refuse such licenses to milkmen who do not comply with the law or the by-laws of the municipality respecting milk, as well as 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;

3.—INSPECTION OF ICE-HOUSES

- Ice-houses, &c. ; 6. To inspect and regulate ice-houses, and to license persons selling ice within the limits of the municipality;

4.—SANITARY CONDITION OF HOUSES

- Lodging houses, etc. ; 7. To regulate lodging, tenement and apartment houses; to prevent the overcrowding of the same, and to require the same to be put and kept in proper sanitary condition;

- Uninhabitable buildings, etc. ; 8. To provide for the closing and demolition of buildings within the municipality which are no longer fit for human habitation or occupation, and to recover the cost from the owners thereof;

5.—GARBAGE, CESS-POOLS AND INSANITARY CONDITIONS

- Removal of ashes, etc. 9. To require, throughout the municipality or in such district or districts as the council may designate, the owner or occupant of any premises, or the person having deposited the same, to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night-soil, and other unhealthy or offensive matter; to provide for the collection,

removal and disposal of the same throughout the municipality or in such districts as the council may designate, and to authorize and direct such collection, removal and disposal, either at the expense of the municipality or of such owner or occupant, or of the person having deposited the same ;

10. To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers, privies and cess-pools within the municipality, and in such portions of the municipality thereof as it may designate ; to cause the cleansing or removal of privies and cess-pools ; Use of bridges, etc. ;

11. To prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in or upon any street, alley, yard, public ground or square or municipal stream or water ; Filth in streets, &c. ;

12. To prevent the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the municipality ; to prevent the dumping of refuse or other matter therein ; to provide for the cleansing and purification of municipal waters, water-courses, and canals, and the drainage or filling of ponds or pools on private property, whenever necessary for public health ; and to compel the owner or occupant of any buildings or grounds to remove from the premises owned or occupied by him all such offensive substances as the council or department of health may direct, and, upon his default, to authorize the removal or destruction thereof by some officer of the municipality, at the expense of such owner or occupant ; Pollution of waters, etc. ;

13. To provide that, in case the owner of such lot cannot be found and no one represents the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the council, or be unable by want of means, to fence in, cleanse, drain, fill up or level such lot, 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 ; Fencing and drainage of lots, etc. ;

6.—INSALUBRIOUS OR NOXIOUS ESTABLISHMENTS

14. 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 establishments within the limits of the municipality ; Stock-yards, etc. ;

- Breweries,
&c. ; 15. To regulate the location, construction and use of breweries, stables, livery-stables, blacksmith-shops and foundries within the limits of the municipality ;
- Offensive
establish-
ments, etc ; 16. To prohibit offensive or unwholesome undertakings or establishments within the municipality ; to prohibit the erection or occupation of any offensive buildings in any place or site where they will damage the neighboring property, and to determine the localities where certain manufactories or occupations may be carried on ;
- Soap works,
&c. ; 17. To compel the owner of any soap and tallow-chandlery, sausage manufactory, pig-sty, or other unwholesome or noxious establishment or place, to cleanse, abate or remove the same ;
- Condition of
stables, &c. ; 18. To require that places where animals are kept be maintained in a sanitary condition ;

7.—ANIMALS ATTACKED BY CONTAGIOUS DISEASES

- Slaughtering
of animals
attacked by
contagious
disease ; 19. To order any animal attacked by a contagious disease to be killed at any place in the municipality on a certificate from a veterinary surgeon or health officer appointed by the council ;

8.—PUBLIC BATHS, PRIVIES &C.

- Public baths,
&c. ; 20. To establish and maintain public baths, privies and lavatories ;

9.—SEWERS, DRAINS AND WATER-COURSES

- Sewerage,
&c. ; 21. To regulate the sewerage of the municipality ; to construct any public sewer ; 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 paving on account of the construction of private drains ; and to prescribe the mode in which such assessment shall be made, either according to the frontage of the property or otherwise, and the manner of levying such assessment ;
- Main sewers
and tunnels,
&c. ; 22. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality, if it has used such main sewers or tunnels, its share of contribution towards the cost of construction and maintenance thereof, according to the area to be drained and in proportion to the benefit to be derived by such municipality,—the amount of such contribution to be determined by appraisers to be appointed as follows : one by the council, one by such municipality, and the third by a judge of the Superior Court ; to

compel such municipalities to pay the damages resulting from their use of such sewers for their drainage ;

23. 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 ;

Drains in private streets ;

24. To regulate the time when private drains shall be made, as also the manner and materials with which the same may be constructed, the municipality making the same from the line of the street to the common sewer ; and to assess the cost of the same on the owners ;

Private drains, &c. ;

25. To permit the municipality to provide, where it may be necessary, suitable automatic safety-valves at connections in sewerage for the drainage of any lands, the expense thereof to be borne in the manner determined by the council, and said cost shall be recovered according to a statement prepared by the inspector of the municipality, and to provide for the inspection of the same by the municipality ;

Automatic safety valves at sewerage connections, &c. ;

26. To cause to be opened, dug, enlarged, covered and maintained any ditch necessary for drainage, any boundary or division ditch or any water-course situate in the municipality or beyond the limits thereof, as the council may deem advisable, and to determine the time and manner of making such works, as also the persons of the municipality by whom or at whose expense the same shall be made ;

Opening and maintenance of ditches, &c. ;

In cases where local or county municipalities drain into or contribute water to a city or town or the city or town contributes water to or drains into local or county municipalities, the county council of said local or county municipality, or the board of delegates, as the case may be, may, upon consent first obtained by resolution of the council of the said city or town, treat the said city or town as a local municipality under the control of the county council or board of delegates, as provided for by the provisions of the Municipal Code where two or more local municipalities under their control are concerned.

Case where local or county municipalities drain into a town, &c. ;

The council of the city or town then has authority to appoint a delegate to represent it on the county council or on the board of delegates, as the case may be, which delegate, as regards works on water-courses and bridges, has the same jurisdiction as a county councillor or a county delegate, as the case may be.

Appointment by city or town of delegate to county council

In default of the above consent, and of the appointment of its delegate within a delay of fifteen days after a notice has been given to the secretary of the county council or the secretary of the delegates,

Application to court for appointment in default of city or town.

the corporation of the county or the board of delegates may apply to the Circuit Court of the county or district or to the magistrate's court of the district by a petition, five days' notice whereof is given to the said city or town municipality, to cause it to be declared that the territory of the said city or town municipality or part thereof is interested in the works on the water-courses and bridges, according to the direction of the water-courses and bridges, and to have a delegate appointed by the said court to represent the city or town corporation on the county council or the board of delegates.

Treatment of territory thereafter.

After such consent and such appointment or such judgment, the territory so declared to be interested in the said works is treated as forming part of the county municipality, and is, for the purposes of the said works, under the jurisdiction of the county council or of the board of delegates as well as of the superintendents or other officers who may be appointed by these two authorities, as if the said territory formed part of the county municipality in question.

Judgment not subject to appeal.

The judgment rendered on such petition is not subject to appeal.

Tax for purposes of drainage works ;

27. To levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the municipality and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands or the length of the ditch or water-course upon the same ; and to determine the mode of levying the taxes so imposed ;

Penalties.

28. To impose penalties on any person obstructing, deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws ;

Carrying on works at expense of corporation.

29. To carry on, at the expense of the municipality, for a definite or indefinite period, all works on ditches or water-courses.

Ditches to be kept by railway companies, &c.

30. 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 municipality.

SECTION VII

DECENCY AND GOOD MORALS

- 385.** The council may make, amend and repeal by-laws : Council may make, &c., by-laws respecting :
1. To suppress gambling and disorderly houses ; Gambling ;
 2. To suppress bawdy and disorderly houses and houses of ill-fame and of assignation ; Bawdy houses ;
 3. To prohibit and prevent card-playing, throwing dice and other games of hazard with or without betting in any hotel, restaurant, inn or shop, whether licensed or not in the municipality ; Card playing, &c. ;
 4. To prohibit, prevent and suppress noisy gatherings, affrays, disturbances, disorderly assemblies, and all brutal or depraving exhibitions ; Riots, &c. ;
 5. To regulate circuses, theatres, spectacles or other public exhibitions from being held and permit them to be held upon such conditions as may be deemed fit, and prohibit all spectacles or exhibitions tending to affect public safety ; Circuses, &c. ;
 6. To license and regulate the posting of bills and placards ; Posting of bills, &c. ;
 7. To regulate bathing and swimming in the waters comprised within the limits of the municipality or within its jurisdiction for police purposes ; Swimming, &c. ;
 8. To insure the proper observance of Sunday ; Observance of Sunday ;
 9. To prohibit the selling on Sunday by shop-keepers, pedlars, hotel-keepers, tavern-keepers or other persons, of goods, wares, merchandise or intoxicating liquors, or the purchasing or drinking thereof in any hotel, tavern or place of public entertainment ; and also to enforce the closing of saloons and taverns, from midnight on Saturday until Monday morning ; to regulate the sale of fruits, cigars, confectionery and temperance drinks on Sunday ; Selling goods on Sunday, &c. ;
 10. To prevent the disturbance of any congregation assembled for religious worship, and to prohibit the distribution of printed hand-bills or circulars at church doors on Sundays ; Disturbance of religious worship, &c. ;
 11. To license, regulate or prevent the employment and occupation of minors in the streets and public places, and to grant licenses and regulate newspaper carriers ; Occupation of minors in streets, &c. ;
 12. To regulate begging. Begging.

SECTION VIII

STREETS AND PUBLIC SQUARES

Council may,
&c., make by-
laws respect-
ing :

Streets, and
their open-
ings, &c.;

Paving, &c.,
of streets,
&c.;

Sidewalks ;

Public
squares ;

Alignment,
&c., of
streets, &c.;

Names of
streets, &c.;

Numbering
of houses,
&c.;

Subdivision
into streets
of lots in city,
&c.;

386. The council may make, amend and repeal by-laws :

1. Subject to article 4616*a* of the Revised Statutes, to order the opening of new streets, the widening, extension or changing of existing streets, and to prescribe the manner of making or maintaining the streets of the municipality at the expense thereof or of the proprietors of adjoining lots as the council may deem expedient, according to such plans and on such conditions as it may deem advisable ;

2. To pave, macadamize or plank the whole or part of the streets of the municipality, and to pay the cost thereof out of the funds of the municipality or by an assessment on the owners of property within a limit determined by the council ;

3. To oblige the owners of land situated on any road, street, square or public way, established in the municipality, to make and maintain in front of their property, or on the opposite side of the street or road, sidewalks of wood, stone or other material as provided, either throughout the whole municipality or only through a part thereof ; and to determine the manner of making and maintaining such sidewalks, and even make and maintain them at the expense of the municipality ;

4. To open, enclose, embellish, improve and maintain, at the expense of the municipality, public squares or parks, conducive to the health and well-being of the inhabitants of the municipality ;

5. To determine and change the alignment and the height or level of the streets or sidewalks of the public places or parks of the municipality ; provided always, that if any person suffers damage thereby, he shall receive compensation to be settled by arbitrators ;

6. To give names to the streets, alleys and public places and to change the same ;

7. To regulate the numbering of houses, buildings and lots, and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon ;

8. To regulate the subdivision into streets of any land situated within the limits of the municipality, and to prohibit any such subdivision whenever the same does not coincide with the general plan of the municipality, and to compel the owners of private streets and lanes to indicate that the same do not belong to the municipality ;

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

10. To cause winter roads to be laid out through any field or enclosure, except orchards, gardens or other lands enclosed in hedges ; Winter roads ;

11. To regulate the use of and prevent and remove encroachments into, upon or over streets, alleys, avenues, bridges, culverts, public grounds and public places, pavements, sidewalks, crossings, gutters, municipal streams and waters, and to prevent injury thereto and prohibit the improper use thereof ; the municipality being responsible in damages for the bad state of such roads, streets, avenues, bridges and culverts, public lands and places, pavements, sidewalks, crossings, gutters, municipal water-courses and public ways ; Use of streets, &c. ;

12. To regulate and control the exercise, by any person or corporation, of any public franchise or privilege in any of the streets or public places in the municipality, whether such franchise or privilege has been granted by the municipality or by the Legislature, saving acquired rights ; Public franchises and exercise thereof in streets, &c. ;

13. To regulate the making and maintaining of openings and excavations in streets, alleys and public grounds and places for the laying of gas and water mains and pipes, electric conductors, 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 municipality, and to regulate, and, if it deem necessary, to prohibit the construction and maintaining of coal-holes, man-holes, hatchways and other openings in sidewalks, streets and alleys and to order coverings and guards therefor ; to compel all persons or companies who have or may hereafter have the right to make any excavations in the streets of the municipality to deposit in the hands of the treasurer an amount sufficient to guarantee that such streets shall be put back to their former state, or to permit the municipality to make such excavations at the expense of such persons or companies, or to prevent such excavations, and fill up the same whenever they are made contrary to the by-laws ; to prevent any person or company from tearing up any pavement, sidewalk or crosswalk, 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 clerk of the municipality with a plan showing the exact location and dimensions of the proposed opening, and obtaining the permission of said clerk, if not previously

authorized, and, in any case, without obtaining his approval of the place where, and the manner in which, the proposed opening is to be made ; to prohibit the deposit, upon any 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 ;

- Sheds, &c., in line of streets, &c. ; 14. To cause to be removed from the streets all sheds, stables and other buildings on the line of any street or public place or in the immediate vicinity thereof, and to determine the time and manner in which the same shall be demolished or removed, and by whom the expense thereof shall be borne ;
- Signs, &c., on streets, &c. ; 15. To regulate or prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric poles, horse-troughs, racks and other obstructions ;
- Wires, &c., on streets, &c. ; 16. To regulate or prohibit the suspending of wires along or across all streets, alleys and public places ; to require any and all wires within prescribed limits, or throughout the municipality, to be placed as it may designate, beneath the surface of the streets or elsewhere, and require any poles already erected or wires already suspended to be removed, and the wires likewise placed in conduits beneath the surface of the street or elsewhere, and to compel any or all wires, pipes and other constructions and conduits to be placed in a common area beneath the surface or elsewhere, upon such terms as it may designate ;
- Bridges and railway tracks ; 17. To regulate or prohibit the locating, constructing and maintaining of bridges and street railway tracks in, under, or over any street, alley or public place ;
- Hitching posts, &c. ; 18. To regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any part of the municipality ;
- Cleaning of streets ; 19. To levy by assessment, upon all owners or occupants resident in any street or public place, funds sufficient to sweep, water and keep clean any such street or public place, provided that the majority of such persons have required it by petition ;
- Prevention of accidents in winter, &c. ; 20. To prescribe the measures the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings, and, for that purpose, to determine the manner in which such sidewalks and roofs shall be kept.

Every person obliged by law to keep sidewalks and roofs is responsible towards the municipality for the damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty by the municipality in all cases instituted against it for damages;

Right to call in proprietor, &c., in warranty.

21. To prohibit the piling of snow or other incumbrances upon any street or alley or public place by persons, companies or firms owning or operating any street railway along or across the same;

Accumulations of snow;

22. To remove and abate any nuisance, obstruction and encroachment upon the sidewalks, streets, alleys and public grounds, and prevent the encumbering of the same with vehicles, boxes, lumber or any other things;

Obstruction, &c., in streets, &c. ;

23. To require the owner or occupant of any immovable property to keep the sidewalks along or in front of the same free from obstructions, and to provide for the removal of the same at the expense of such owner or occupant;

Obstructions on sidewalks, &c. ;

24. To compel every railway company to erect gates and to keep gate-keepers at the expense of the company at each road or street crossed by such railway in the limits of the municipality, and to impose a fine not exceeding twenty dollars for every day such company shall refuse and neglect to erect such gates after having been called upon so to do ;

Railways to keep gates at crossings &c.

Penalty for neglect ;

25. To prevent the obstruction of streets by the cars or trains of cars, locomotives or other engines of any railway company; to determine what precautions shall be observed by conductors, engine-drivers, engineers or firemen of such trains, cars, locomotives or engines, when crossing or about to cross the streets in the municipality, and to impose upon such railway company itself or upon the employees of such company a fine not exceeding twenty dollars for every infringement of the by-laws passed in that respect ;

Obstruction of streets by railways with cars, &c.

Penalty for so doing ;

26. To regulate the speed of horses and other animals, automobiles, bicycles, cars and locomotives, and other vehicles within the limits of the municipality, 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, &c., of horses, &c.;

27. To regulate the use of bicycles and automobiles within the limits of the municipality and prevent their being used in certain streets ;

Use of bicycles, &c.;

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

Width of wheel-tires, &c. ;

- Noisy vehicles ; 29. To regulate or prohibit the use of noisy vehicles in the streets and public places ;
- Exhibitions of banners, &c. ; 30. To regulate or prohibit the exhibition, or carrying, or distribution of banners, placards, advertisements and hand-bills or other articles in, near or upon streets, alleys, sidewalks and public places ;
- Flying of flags, &c. ; 31. 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 ;
- Planting ornamental trees, &c. 32. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the municipality ; to compel proprietors to plant trees in front of their property, under the direction of an officer of the municipality ; to authorize such officer to cause such planting to be made, and to exact the cost thereof from such proprietors, in case the latter shall refuse or neglect to comply with the order of such officer.

SECTION IX

PLAN OF THE MUNICIPALITY

- Plans of municipality. **387.** The council may make, amend and repeal by-laws to have plans or maps made of all the territory within the municipality, subject to its jurisdiction, with indication of the streets, lanes, and public places, or of the dimensions which the council intends to give them ; and such plans or maps, when confirmed by the Superior Court, on petition to that effect, presented at least fifteen days after publication of a notice, shall be binding upon the municipality, the proprietors interested and all other persons.
- Confirmation of plans. **388.** As soon as completed, a duplicate of each of such plans shall be deposited in the office of the prothonotary of the Superior Court for the district in which the municipality is wholly or partly situated, and another duplicate shall be deposited in the archives of the corporation, and, when such plans shall have been confirmed and ratified by the said court, the clerk of the municipality shall enter on the duplicate of each of such plans deposited in the archives of the corporation, a note of such confirmation as follows :
Confirmed by the Superior Court on the day of .
- Plans to be deposited. **389.** When any new street, square or public place indicated on the said plan is opened or when any street or public place indicated on the said plan is widened, no compensation or damages can be claimed or given for any building or improvement, which the proprietors and other persons shall
- If buildings, &c., are erected after plan homologated no compensation to be allowed.

have erected or made, or caused to be made, subsequent to the confirmation of such plan, on any land reserved either for new streets, or public places or squares, or for the widening, lengthening or enlarging of the same; provided, however, Proviso. that nothing in this act shall be interpreted as taking from the municipality the right of widening or extending any street, public place or square, indicated on the plan, after the confirmation thereof, or of renouncing to the opening, widening and extending of any existing street as indicated on the plan; but no alteration or modification of the kind shall be made, unless it be decided upon by by-law at a meeting of the council, at which a majority of the members are present, on petition to that effect, signed by the majority of the proprietors on the street or part of the street, in which such changes are projected.

After which, any judge of the Superior Court may, on Modification of plan, &c. petition presented for that purpose by the corporation, after the same notices mentioned in the foregoing article, order that the duplicate of the plan, deposited as herein above set forth, shall be altered or modified in consequence.

SECTION X

WATER SUPPLY

390. The council may make, amend and repeal by-laws Establishment, &c., of water-works, &c. to provide for the establishment, maintenance, and management and regulation of water-works, public wells, cisterns or reservoirs, to supply water to the municipality and to establish and regulate hydrants, fountains and public drinking places.

391. The municipality may construct, and maintain, in Construction of water-works by municipality and powers for that purpose. and beyond its limits for a distance of twenty miles, water-works, together with all appurtenances and accessories, the construction whereof is determined under the foregoing article; improve, alter or remove the 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.

392. For the said purposes, the municipality may acquire Acquisition of land, &c. and hold any land, servitude, or usufruct, within its limits or within a circuit of twenty miles thereof; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works, either to buildings or lands; enter into contracts with any person for the construction of the said water-works in whole or in part; direct and superintend

works completed ; enter, during the day-time, upon the lands of private individuals for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel and other materials, upon paying or offering a reasonable compensation for such materials, and by conforming in all things to the provisions hereinafter made.

Expropriation.

393. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for water-works or for any of the purposes mentioned in the preceding articles, either within or without the limits of the municipality, or for the right of way through such property, or any servitude thereon, the same may be acquired by expropriation.

Employees and officers may enter upon land.

394. The employees and officers of the municipality and all other persons in its service may enter upon any land or property, street, lane or public or private road, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

Damages, &c., for obstructing, &c., works.

395. If any person obstructs or prevents an employee or officer of the municipality or any other person in its service, 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 to the waterworks, apparatus or 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 is liable, without prejudice to the penalties he may incur, for the damages that the municipality may suffer from any such act.

How recovered.

Such damages, with costs, are recovered by suit before the courts having jurisdiction.

Tax for constructing water-works, &c.

396. The council may, by by-law, with the object of meeting the interest on the sums expended in the construction of water-works, public wells, cisterns or reservoirs and of establishing a sinking fund, impose on all the owners or occupants of houses, shops or other buildings, an annual special tax at the rate to be fixed by it, on the assessed value of each house, shop or building, including the land.

Investment of sinking fund.

The sinking fund created by virtue of this article shall be invested and managed in the same manner as that mentioned in article 520.

Tax to be levied even on own-

397. Such special tax is imposed and levied, even in the case of the owners or occupants not availing themselves of the

water from the water-works; provided that the corporation has notified such owners or occupants, that it is prepared, at its own expense, to bring the water to the line of the street opposite their respective houses, shops or buildings, or into such houses, shops or buildings if they are built on the line of the street.

- 398.** The council may make, amend and repeal by-laws :
1. To prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing such water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed upon, or from wasting it ;
 2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other similar apparatus ;
 3. To establish, by a tariff, the rate for water, in addition to the special tax mentioned in article 396 ; to provide that hydrometers be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; and to fix the amount to be paid for the water and rent of meters ;
 4. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the municipality with regard to the supply of water from the water-works ;
 5. To provide that the water-rate shall be due and payable by instalments, and within such delays as it shall deem proper to fix ;
 6. To provide that the legal rate of interest upon the arrears of water-rate shall only be due at the expiration of such delays respectively.
 7. To provide for any other matter, or thing of any nature or kind whatsoever, having reference to the water-works, which it may be necessary to regulate or determine for the proper working of such water-works.

399. The municipality may make a special agreement with consumers for the supply of water in special cases, where it is considered that there is more than the ordinary consumption of water.

400. The special tax and the water-rate imposed under articles 396 and 398, as well as all other taxes due for water or for meters, shall be levied according to the rules and in the manner prescribed for general taxes.

ers not avail-
ing them-
selves of
water.

Council may
make, &c.,
by laws, &c.:

To prohibit
occupant of
house from
supplying
water to
others, &c. ;

To prescribe
size and qual-
ity of pipes,
&c. ;

To fix tariff
of rates, &c. ;

To prevent
pollution of
water, &c. ;

To provide
for payment
of water rates
by instal-
ments, &c. ;

To provide
for payment
of interest on
rates, &c. ;

For general
management ;

To make spe-
cial agree-
ments in cer-
tain cases ;

To levy tax
and water-
rate.

Notice when municipality is ready to furnish water.

401. As soon as the municipality is ready to furnish water to any part of the municipality not already supplied, public notice thereof is given; and, after such notice, all persons liable to the payment of water-rates in such part of the municipality, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

Cost of introduction of water into houses and distribution thereof.

402. The introduction of the water into houses or other buildings shall be performed by and at the expense of the municipality; but the distribution of the water throughout such houses or buildings, after being thus introduced into them, shall be made by and at the expense of the proprietors or occupants.

Where house, &c., at a distance from line of street.

In all cases where such house or building stands at a distance from the line of the street, the municipality shall lay the distribution pipe to the line of the street and shall have the right to exact payment of the water-rate from the proprietor, although the latter may refuse or neglect to connect such pipe with his house or building.

Tenant's recourse if proprietor refuses to make distribution.

403. If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rate from the tenant, such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him to the municipality unless otherwise provided in the lease.

Separate pipes for each tenant.

404. In all cases where a dwelling house or other building is tenanted by two or more tenants, subtenants or families, the municipality may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, subtenant or family, occupying separate apartments, so that the municipality may, at all times have control over the supply of water furnished to each such tenant, subtenant or family, as is practised in cases of single tenanted houses; and, if the proprietor, after being notified in writing to that effect by an officer of the council, refuses or neglects, to comply with the requirements of this article, within a reasonable delay, not to exceed fifteen days, he is liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; such liability, on the part of the proprietor continues so long as he does not comply with the requirements aforesaid.

Obligation of proprietor

Liability of proprietor of rows of houses, &c.

405. Such liability applies to any proprietor of a row of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid; such liability also applies to the

proprietor in all cases where the number of tenants, subtenants or families in a dwelling house, is such that it is impossible to provide a separate service pipe for each of them ; and it shall be lawful for the municipality, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, subtenant or family.

406. If any person causes or allows any water-pipe, valve, cock, cistern, water-closet, bath or other apparatus to be out of repair, or to be so used or contrived that the water supplied from the water-works, be wasted, or unduly consumed ; or if he refuses or neglects to pay the rate lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the municipality may cut off the water and discontinue the supply so long as the person is in default ; which does not, however, exempt such person from the payment of such rate, as if the water had been supplied to him without interruption.

Water supply may be cut off in certain cases.

407. The officers appointed for the administration of the water-works may enter into any house or building whatsoever, or upon any property whether situated within or without the limits of the municipality, for the purpose of satisfying themselves that the water is not wasted or that the by-laws relative to the water-works are faithfully carried out.

Visits of examination.

It is the duty of the owners or occupants of any such house, building or property to allow the officers to make such visit or examination.

Duty of owners, &c., to allow the same.

The water may be cut off from any person refusing to receive the officers, so long as such refusal continues.

Cutting off of water.

408. The municipality is not bound to warrant the quantity of water to be supplied ; and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water.

Quantity not to be guaranteed.

409. The council may also make special agreements for the supply of water beyond the limits of the municipality, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water-works.

Water outside of municipality.

410. The council may, by by-law, transfer its rights and powers respecting the water supply, to any company, firm or person, willing to undertake the same, provided that such company, firm or person, does not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

Rights of council to be transferable.

SECTION XI

LIGHTING

Lighting of municipality, &c. **411.** The council may make, amend and repeal by-laws providing for the lighting of the municipality by means of gas, electric or other light furnished by any company, firm or person, and may become a party to any contract to that effect.

Council vested with powers necessary for lighting by gas, &c. **412.** The council is vested with all the necessary powers for the establishment and management of a system of lighting by gas, electricity or otherwise, for the requirements of the public and of private individuals or companies desiring to light up their houses, buildings or establishments.

Tax for constructing system of lighting. **413.** The council may, by by-law, with the object of meeting the interest on the sums expended in introducing a system of lighting and of establishing a sinking fund, impose on all the owners or occupants of houses, shops or other buildings, an annual special tax, on the assessed value of each such house, building or establishment, including the land.

Investment of sinking fund. **414.** The sinking fund created by virtue of the preceding article shall be invested and managed in the same manner as that mentioned in article 520.

Council may make &c., by-laws respecting lighting, &c. **415.** The council may make, amend and repeal by-laws :
 1. If the lighting system belongs to the municipality,—
 (a) To determine, in addition to the special tax mentioned in article 413, the compensation to be paid for light and the rent of meters, and for supplying meters for measuring the quantity of light consumed ;
 (b) To prevent fraud in connection with the quantity of light supplied ;
 (c) To protect the wires, pipes, lamps, apparatus and other articles serving for the distribution of light ;
 2. If the lighting system belongs to the municipality or to others—
 To impose penalties against persons extinguishing the lamps without authority.

Levy of tax and compensation. **416.** The special tax and the compensation imposed under articles 413 and 415, as well as the sum due for meters, shall be levied according to the rules and in the manner prescribed for general taxes.

417. It shall be lawful for every citizen to accept or refuse to use the light supplied by the municipality in any building, house or establishment controlled by him. Use of light not compulsory.

418. The officers appointed to manage the lighting system of the municipality may enter any building, house or establishment or upon any property for the purpose of ascertaining whether the by-laws respecting lighting are faithfully observed. Visits of examination.

It is the duty of the owners or occupants of all such buildings, houses, establishments or properties to allow such officers to enter and make such inspection or examination, on penalty of a fine of twenty dollars at the most, and, in default of payment, of imprisonment for a period not exceeding one month. Duty of owners, &c., to admit officers. Penalty for refusal.

419. The owners or occupants of houses, buildings or lands in the municipality are bound, whether the lighting system belongs to the municipality or to others, to permit the pipes, lamps and posts necessary for the lighting for public purposes to be placed on their houses, buildings or lands, saving recourse in damages, if any be occasioned thereby. Laying pipes, &c.

SECTION XII

STREET RAILWAYS

- 420.** The council may make, amend and repeal by-laws :
1. To permit, under such conditions and restrictions as the council may impose, the track of any street railway to be laid in the municipality ; Council may make &c , by-laws respecting : Street railway tracks, &c. ;
 2. To regulate the number of passengers to be carried in each car or vehicle used by such street railway ; Number of passengers in cars ;
 3. To regulate the condition in which the cars are to be kept ; Condition of cars ;
 4. To regulate the use of locomotives and of steam, or any other motive power on any street railway in the municipality ; Use of locomotives, &c., on street railways ;
 5. To prescribe and regulate the speed of the cars ; Speed of cars :
 6. To impose penalties, not to exceed four hundred dollars, upon the company managing any such railway, or any of its servants, for each violation of any of the by-laws passed in virtue of this article. Penalties incurred for breach of regulations.

SECTION XIII

MARKETS

- 421.** The council may make, amend and repeal by-laws :
- Council may make, &c by-laws respecting :
Establishment of markets, &c.;
1. To establish, erect, maintain, enlarge, change or do away with public markets, or to permit their establishment under license ; to change, enlarge, or reduce, establish or abolish market-places, and to cause the ground wholly or partly occupied by a market or market-place to be used for any purpose determined by the council ;
- Leasing of stalls, &c. ;
2. To regulate the leasing of stalls and other places in the public markets or on the public market-places ; to lease and concede the use of private stalls on such conditions and at such prices as may be determined in the by-law ;
- Sale of produce ;
3. To regulate or prohibit the sale or exposing for sale on the markets, or on the public market-places of any kind of articles or produce or certain articles in particular ;
- Vehicles on markets, &c. ;
4. To regulate the kind of vehicles in which articles may be exposed for sale in the markets, or on the public market-places, and the manner in which they shall be there located : to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected ;
- Sale of goods on markets, &c. ;
5. To provide that provisions and provender, usually bought and sold in public markets, that may be brought to the municipality for sale, shall be conveyed to the public markets and there exposed for sale ; and that no such provisions or provender shall be offered, or exposed for sale, or be sold or purchased elsewhere in the municipality than on the public markets or market-places ; but the council may provide for empowering any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets, by granting him a license for that purpose, upon payment of such sum and upon such conditions, as shall be fixed by by-law ;
- Market licenses ;
6. To impose taxes or licenses upon all persons selling on the markets or public market-places ;
- Public scales, &c. ;
7. To establish and maintain public scales and collect to the revenue thereof ;
- Duties, &c., of weigh-house clerks, &c. ;
8. To determine and define the duties and powers of all persons employed in superintending public weigh-houses or markets throughout the municipality, and to confer upon such officers the power of confiscating merchandize, articles and produce in case of fraud as to measure, weight or quality, and to determine the manner in which such confiscated articles shall be disposed of ;

9. To determine all things connected with the govern- Government of
ment of public markets. markets ;

422. The market clerks may enter into yards and lanes for Power of
the purpose of recovering and collecting the market fees due market clerks
for cattle, grain, produce, provisions or other articles to enter
brought into the municipality to be sold or delivered. yards, &c.;

SECTION XIV

ABATTOIRS

423. The council may make, amend and repeal by-laws : Council may
make, &c., by-

1. To establish, regulate and manage public abattoirs, laws respect-
either within or without the limits of the municipality ; ing :
provided, in the latter case, that the municipality obtains Public
the consent of the council of the municipality in which abattoirs ;

2. To regulate the manner and route in and by which Horned
horned cattle and other animals shall be driven in the municipi- cattle, &c.

SECTION XV

VARIOUS TRADES AND INDUSTRIES

424. The council may make, amend and repeal by-laws : Council may
make, &c., by-

1. To regulate the carrying on of trades and industries of laws respect-
all kinds not specially mentioned in this act ; ing :
Trades, &c. ;

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

3. To license, regulate, or prohibit billiards, pool, pigeon- Billiards, &c. ;
hole tables, bagatelle boards, ten-pin alleys, bowling alleys,
and shooting galleries ;

4. To license and regulate auction sales ; to license runners, Auction sales,
agents and solicitors for stages, cars, vessels and houses of &c. ;
public entertainment, and to regulate the same ;

5. To license and regulate pawnbrokers, second-hand Pawn-
dealers and junk dealers, and to compel all such persons to brokers, &c. ;
keep records of their transactions and make report thereof ;

- Peddlers,
&c.; 6. To license and regulate all peddlers, book-agents, canvassers, street hawkers, vendors and public criers doing business in the municipality ;
- Hucksters,
&c.; 7. To restrict and regulate the trade of hucksters and of persons buying articles brought into the municipality for the purpose of re-selling the same, and to impose dues and taxes on them for plying such trade by license or otherwise ;
- Intelligence
offices, &c.; 8. To license and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for or furnishing employees to others, and to require such persons to keep registers of their transactions, and to make reports thereof ;
- Hackmen, &c.; 9. To license and regulate hackmen, draymen, expressmen, and all other persons or corporations, including tramway companies, engaged in carrying passengers, baggage or freight in the municipality ; to prescribe standing places or stations within the streets or near railway stations, where the same may remain while waiting for business, and to prohibit the same from standing or waiting at any other places than the places so prescribed ; to establish a tariff of fares payable to them for their services ; to compel them not to exact higher fares than those settled by the tariff, and to punish every person who hires, engages, or employs any one of them and refuses to pay him according to the tariff ; to compel them to give their services at the tariff rates to any person asking such services ;
- Carters'
tariff ; 10. To authorize and regulate the granting of licenses to owners of vehicles used in the municipality for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandise, whether such owners reside in or outside the municipality, and to insure the good government and discipline of such vehicles ;
- Licenses for
owners of
vehicles, &c.; 11. To prevent any person, residing outside the municipality, from carrying on his trade or business within the municipality, without taking out a license and number for each and every vehicle used in the municipality for the purposes of such trade or business ; provided that there be no unjust discrimination against such person ;
- Licensing
non-residents
who trade in
city, &c.; 12. To fix, in addition to any tax which may be imposed by the municipality under the provisions of this act, a sum not exceeding two hundred dollars payable for the granting of each certificate to obtain a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors ;
- Proviso ;
- Granting cer-
tificates for
licenses ; 13. To forbid children under eighteen years of age from frequenting theatres, and to forbid minors, apprentices or servants from frequenting inns, hotels, restaurants and shops in which intoxicating liquors are sold ;
- Frequenting
taverns ;

14. 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 instrument, for pay or in expectation of pay, in any or all the streets or public places ;

Musical saloons, &c. ;

15. To prohibit, regulate and license the sale of any articles whatsoever in the streets and public places ;

Sale of articles in streets ;

16. To regulate the sale of horses, and to impose a tax on horses sold or exposed for sale by horse-dealers in the municipality, and to fix the rates to be paid therefor ;

Sale of horses, &c. ;

17. To regulate persons plying as ferrymen to and from the municipality, and to establish a tariff of rates to be charged by such ferrymen ;

Ferrymen, &c. ;

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

Teasing of wool, &c. ;

19. To provide for the inspection and regulate the making and sale of bread ; to prescribe the weight and quality of the bread in the loaf and the marks to be put on the loaf, and, to provide for the seizure and forfeiture of bread made contrary thereto ;

Sale, &c. , of bread ;

20. To determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight ; and to compel all persons to observe in such matters the by-laws which the council shall deem useful to establish ;

Sale of articles by weight or otherwise ;

21. To authorize the seizure and confiscation of all goods or merchandise offered for sale in the municipality which may be deficient in measure or weight ;

Confiscation of goods for deficiency in weight, &c. ;

22. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling firewood, coal and lime ;

Hay and straw, &c. ;

23. To prevent any person residing outside the municipality from carrying on any trade or business in the municipality without being previously authorized thereto by a license, and without having paid for such license an amount not exceeding two hundred dollars.

Licenses for non-residents.

SECTION XVI

MASTERS AND SERVANTS

425. The council may make, amend, and repeal by-laws to regulate the conduct of apprentices, servants, hired persons, day-laborers, and journeymen, whether they be of age or minors, towards their masters and the conduct of masters towards the former.

Council may make, &c., by-laws respecting masters and servants.

Law appli-
cable in de-
fault of by-
laws.

In default of by-laws made under this article, the provisions of articles 5614 and following of the Revised Statutes, are applicable within the municipality.

SECTION XVII

CEMETERIES, BURIALS AND CAUSES OF DEATH

Council may
make, &c.,
by laws re-
specting :
Burials, &c.
Removal of
bodies ;

426. The council may make, amend and repeal by-laws :

1. To regulate and prevent the burial of the dead within the municipality ;

2. 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 ;

Cemeteries ;

3. To regulate and control the establishment of cemeteries ;

Vacating of
cemeteries,
&c. ;

4. To cause the removal of bodies interred contrary to law, and to vacate or discontinue any cemetery and cause the removal of any bodies interred therein ;

Returns by
cemetery
companies of
burials, &c. ;

5. To compel the persons in charge of any cemetery in the municipality, or outside thereof, when the cemetery is used for interring the remains of persons dying in the municipality, to prepare and deliver to the corporation regular returns of the total number of persons who were in the municipality at the time of their death and who are buried in such cemetery, and to regulate the manner and form in which such returns are made ;

Certificates
of death ;

6. To exact that, in all cases of death occurring in the municipality, a certificate be deposited in the office of the council, and that such certificate be made in the form and manner determined by the council, and also to adopt other means to obtain accurate and sure returns respecting mortality and the causes thereof ;

Inquiries
when no cer-
tificate of
death pro-
duced ;

7. To authorize the medical officer of health or any other officer authorized by the council to make such inquiries as he may deem necessary, when no certificate of death has been produced, or when the certificate does not disclose the cause of death, so as to establish as precisely as possible the cause of death and other particulars which public health may require ;

Permits for
removal of
bodies be-
yond limits
of municipi-
pality.

8. To prevent any corpse being taken out of the municipality without a special permit from the medical officer of health or any other officer authorized by the council, without prejudice to the laws respecting coroners' inquests and *post mortem* examinations.

SECTION XVIII

NUISANCES

- 427.** The council may make, amend and repeal by-laws : Council may make, &c., by-laws respecting : Nuisances, &c ;
1. To define what shall constitute a nuisance and to abate the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist ;
 2. To declare the emission of sparks, cinders, soot or smoke from chimneys, stacks and other sources, within the limits of the municipality, a nuisance, and to prohibit such emission ; Sparks, &c. ;
 3. To regulate or prohibit the ringing of bells and chimes, the blowing of whistles and the making of other noises ; the ringing of bells and whistling of locomotives and steamboats, and the discharge of steam, cinders, sparks and smoke therefrom. Ringing of bells, &c.

SECTION XIX

INDEMNITIES, RELIEF AND REWARDS

- 428.** The council may make, amend and repeal by-laws : Council may make, &c., by-laws respecting : Indemnity in cases of riot.
1. To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the municipality.
 - (a) The council is authorized to levy, over and above any other tax, on the taxable property of the municipality, the amount which the municipality may be held to pay for damages occasioned to property by rioters or persons riotously assembled. Tax for that purpose ;
 - (b) In default of the council paying such damages within six months, according to the decision of arbitrators, the municipality may be sued before any competent court for the damages so occasioned ; Recovery by suit ;
 2. To relieve any person who has received any wound or contracted any sickness or disease at a fire ; Persons injured at fires ;
 3. To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire ; or who saves or endeavors to save any one from drowning or from other serious danger ; Meritorious actions at fires, &c. ;
 4. To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save any one from a serious danger ; Relief to certain families.

- Poor, etc.; 5. To contribute to the maintenance or support of poor persons residing in the municipality, who, from infirmity, age, or other causes, are unable to earn their own livelihood ;
- Charitable institutions ; 6. To establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the destitute ; and to aid charitable institutions established in the municipality or its neighborhood ;
- Rewards for arrests ; 7. To offer and give rewards for the discovery and arrest of offenders against the criminal laws ;
- Pension fund for officers ; 8. To aid in the establishment and maintenance, by granting subsidies under conditions set forth in the by-law, of a pension fund for the officers and employees of the municipality ;
- Colonization, &c. ; 9. To aid, by all means deemed advisable, the colonization of the province, and agriculture, horticulture, arts and sciences, in the municipality, or within the limits of the agricultural society, within which such municipality is situated.

SECTION XX

AID IN THE CONSTRUCTION, IMPROVEMENT AND MAINTENANCE
OF PUBLIC WORKS OR UNDERTAKINGS FOREIGN TO THE
MUNICIPALITY

- 429.** The council may make, amend and repeal by-laws :
- Council may make, &c., by-laws respecting : Roads leading to municipality, &c. 1. To assist by money, granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work, under the direction of the corporation of any municipality ;
- Stone-crushers, &c ; 2. To acquire, jointly with the corporation of the county in which the municipality is situated, as well as with any other municipality in such county, one or more machines, stone-crushers, rollers and machines for use in the improvement of roads, by-roads and streets within such county and the cities and towns therein ; to make arrangements with the city, town, village and rural corporation of the several municipalities situated within such county, for the purpose of allowing them the use thereof for their roads, by-roads and streets, and to fix the price for and the conditions of their use, or to give them the use thereof gratuitously ;
- Aid to colonization roads ; 3. To aid in opening up and improving the colonization roads declared by the Lieutenant-Governor in council to be colonization roads of the second or third class, in which the corporation has been declared to be interested, in virtue of any law respecting colonization roads ;
- Aid to public works, &c ; 4. To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railway, or

other public works, or, subject to the provisions of section sixth *b* of chapter second of title XI of the Revised Statutes, any manufacturing establishments situated in whole or in part within the municipality or in its vicinity, undertaken and built by any incorporated company, or by the Provincial Government or by any person whomsoever :

- (a) By taking and subscribing for shares in any company formed for such purpose ;
- (b) By giving or lending money or securities, or by giving the use or enjoyment of any immoveable property to such company or to the Provincial Government or such person ;
- (c) By guaranteeing by endorsation or otherwise any sum of money borrowed by such company or by such person ;
- (d) By exempting from the payment of municipal taxes, assessments and dues certain industrial establishments according to the provisions of section sixth of chapter second of title eleventh of the Revised Statutes, and railway companies having a station within the limits of the municipality, in accordance with the provisions of section sixth *a* of the same chapter of the same statutes ;

5. To subscribe for or hold stock in any company formed for the purpose of constructing telegraph or telephone lines. Telegraph lines ;

430. Every by-law, passed in virtue of paragraphs 4 and 5 of the preceding article, before coming into force and effect, shall be approved by the electors of the municipality who are proprietors. Approval of electors required.

431. By-laws, made in virtue of article 429, may determine the conditions under which the assistance or subscription for shares is authorized. Conditions of assistance.

SECTION XXI

FREE PUBLIC LIBRARIES, ETC.

432. The council may make, amend and repeal by-laws, to establish and maintain in the municipality free public libraries, library associations, mechanics' institutes, reading-rooms and public museums for historical, literary, artistic or scientific purposes ; or to aid the establishment or maintenance of such institutions in the municipality or in adjacent municipalities on such conditions as may be imposed by the municipality with regard to the free use of the same by the public. Council may by, by-law, establish free public libraries, &c.

SECTION XXII

CENSUS

Council may
by, by-law,
provide for
taking
census, &c.

433. The council may make, amend and repeal by-laws, to take, once in every three years, a census of the inhabitants of the municipality, for the purpose of ascertaining their number, and of obtaining statistics regarding their social and economic condition.

SECTION XXIII

MUNICIPAL FINANCES

Revenues of
municipality.

434. The revenues of the municipality consist of those derived from the taxes and licenses that this act and the charter authorize it to levy, of the revenue from property owned by it, and of such other moneys as are paid to it under the law or the by-laws.

General
funds.
Surplus.

435. All sums of money not especially appropriated form part of the general funds of the municipality.

Whenever it levies any sum exceeding in amount the sum required for the purposes for which such sum was raised, the surplus belongs to the municipality and falls into the general funds thereof.

Employment
of general
funds.

436. All sums of money forming part of the general funds of the municipality may be employed for any purpose within the jurisdiction of the council.

Administra-
tion of
finances.

437. The council may make such by-laws for the management and administration of its finances as it may deem expedient, and determine by whom and subject to what formalities payments out of the funds of the municipality shall be made.

Treasurer
alone to re-
ceive fees,
&c.

438. All fees, licenses, fines, revenues, and taxes of any nature whatsoever, accruing or belonging to the municipality, are paid to and received by the treasurer alone, or the officials designated by him for that purpose; and no other official is entitled, under any pretext whatever, to receive any such fees, licenses, fines, revenues and taxes, unless specially authorized by the council so to do.

Fiscal year.
When taxes,
&c., are pay-
able.

439. The fiscal year of the municipality begins and ends at the dates fixed by the council by by-law, and the taxes and yearly assessments are payable at the dates determined by the council.

SECTION XXIV

VALUATION ROLL

440. It is the duty of the assessors annually to make, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality, according to the real value. Annual valuation.

The council may, by resolution, relieve the assessors from the duty of making a valuation roll of the taxable property oftener than every three years; and, in such case, the council shall revise the roll every year or cause it to be revised by the assessors as it deems expedient, with the same notices and delays as for the making of the yearly valuation roll. Preparation of roll every third year and revision every year.

The assessors also make the valuation of the annual value of such property, and enter it in the roll in a separate column. Annual value to be entered in roll.

They also enter in the roll the names of tenants and the amount of annual rent paid by each of them. Entry of tenants, in roll, &c.

441. The assessors enter on the roll all other information required by the council. Other entries.

442. When the rent agreed upon for such property does not represent the annual value, the assessors enter on the valuation roll the real annual value, which alone serves as a basis for the imposition of the tax on tenants and occupants. Valuators to estimate actual value of immoveable property.

443. The actual value of real estate in the municipality shall comprise the value of the lands and that of the buildings, workshops and machinery and their accessories thereon erected and that of all the improvements which have been made to it. "Actual value" what to comprise.

444. Railway companies, which possess immoveable property in the municipality, shall transmit to the office of the council, in the month of May in each year, a return showing the actual value of their immoveable property in the municipality, other than the road, and also the actual value of the land occupied by the road, estimated according to the average value of neighboring lands without regard to the grading, rails or bridges used for the road. Statement of value of property to be estimated by railway companies.

Such return must be communicated to the assessors by the clerk in due time. However, the assessors may fix another value than that mentioned in the return, and, in such case, shall forward a notice to the head office of the company in the province. When to be communicated to assessors, &c.

445. When the assessors assess immoveable property possessed *par indivis* or the partition whereof has not been Designation in cases of

valuation of property held by joint owners, &c. registered in the registry office, it shall be lawful for them to designate such property as belonging to "*the Estate of*," mentioning the name of the predecessor of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession, or co-proprietor, so named, as the case may be, shall be held to pay the tax, saving their or his recourse against any other person liable therefor.

Owner unknown.

446. If the owner of any lot of land be unknown, the assessors shall insert the word "unknown," in the column of names of owners, opposite the description of such lot of land.

Persons bound to answer assessors correctly.

447. Every person, who is subject to taxation on account of his employment, profession or business, and every proprietor, tenant or occupant of any assessable property or object, shall be obliged to answer, correctly, all questions put by the assessors upon this subject and to give all necessary and possible information;

Penalty for incorrectly answering, &c.

If such persons should refuse to answer the questions put to them, or if the answers they have given are false or incorrect, they shall be liable to a fine of not more than twenty dollars nor less than eight dollars, or to imprisonment for not more than one calendar month.

Who shall sign roll.

448. The valuation roll is signed by at least two of the assessors who drew it up or caused it to be drawn up, and by the clerk, or any other person whom they employed as writer.

Deposit of roll.

449. The assessors deposit the valuation roll in the office of the council, immediately after its completion; and public notice of such deposit is given by the clerk, in the two days following.

Notice thereof.

Contents of notice.

The notice shall state that the roll will remain open to the examination of parties interested, or their representatives, for the thirty days next after that of the deposit thereof.

Appeal to council.

450. During such space of time, any person who deems himself aggrieved by the roll as drawn up, personally or for another, may appeal therefrom to the council, by giving to that end a written notice to the clerk stating the grounds of his complaint.

Notice.

Hearing of complaint.

451. The council, at its first general session after the expiration of the thirty days mentioned in article 449, takes into consideration and decides all the complaints made under the preceding article.

After having heard the parties and their witnesses, under oath, administered by its presiding officer, as also the assessors if they wish to be heard and the witnesses produced on behalf of the municipality, the council maintains or alters the roll, as to it seems meet.

Decision of council.

452. In all cases, it is the duty of the council to proceed at such session or at any adjournment thereof, to the revision and homologation of the roll, whether it be complained of or not.

Revision and homologation of roll.

It may also make any correction in the style of the drawing up thereof.

Corrections in draft.

453. At such session, or so soon thereafter as all the complaints filed have been decided, the council declares the roll homologated; and the roll so homologated remains in force, until the entry into force of a new roll.

Declaration of homologation.
Coming into force of roll.

454. If there be an omission of any property in the roll prepared by the assessors, the council may order such officers to value such property and add it to the roll.

Property omitted from roll.

In such case, the roll cannot be homologated until special notice of eight days, in relation to such addition, has been given to the owner, who may, within such delay, file his complaint against the valuation, and be heard before the council at the time of such homologation.

Homologation in such case.

455. If, after the valuation rolls have been declared homologated, any property in the town is considerably diminished in value, either by fire, the pulling down of buildings, accidents, or any other cause, the council may, on petition of the owner, cause the valuation of such property to be reduced to its actual value.

Reduction in value of property entered on roll.

456. The default, on the part of the assessors or of the council to act within the time prescribed, has not the effect of preventing the completion or homologation of the roll after the time prescribed.

Default to act within delay.

457. After every change of owner or occupant of any lot of land set forth in the valuation roll in force, the council, on a written petition to that end, and, after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one.

Change of owners.

458. Whenever the valuation roll has been set aside, the former roll revives and avails until a new valuation roll comes into force.

Roll set aside.

- Appeal:** **459.** An appeal lies to the Circuit Court of the county or of the district or to the magistrate's court of the district :
- From decision of council;** 1. From any decision of the council upon a complaint under article 450, within thirty days from such decision ;
or
- From neglect, &c., of council to take cognizance of complaint.** 2. Whenever the council has neglected or refused to take cognizance of any written complaint made in virtue of article 450, within thirty days after the expiration of the delay in which it might have taken cognizance thereof.
- How appeal brought.** **460.** The appeal is brought before the court by means of a simple notice served by a baliff on the clerk of the municipality, personally or at his domicile.
- Service of notice.**
- Production of duplicate, &c., in office of court.** **461.** A duplicate of such notice, and the certificate of the service thereof, shall be returned into the office of the court within five days after the service.
- Production of documents in office of court.** **462.** Within ten days after the service of the notice, all the documents concerning the matter must be produced at the office of the court at ten of the clock in the morning by the clerk of the municipality, under a penalty not exceeding twenty dollars, which may be imposed sitting the court.
- Penalty in case of default.**
- Inscription upon roll and hearing.** **463.** As soon as the ten days mentioned in the preceding article have expired, the case must be placed by the clerk upon the roll for proof and hearing, and may be heard on the fifth juridical day after such inscription or on any other day fixed by the judge.
- Case privileged.** **464.** The case shall be heard by privilege.
- Judgment.** **465.** The court may, by its judgment, confirm the decision appealed from, or annul the same, or render such decision as the council should have originally rendered, or order it to exercise the attributions respecting which recourse is had.
- Decision not to be set aside for informalities.** **466.** The decision can be set aside only when a substantial injustice has been committed, and never by reason of any trifling variance or informality.
- Costs.** **467.** The court in adjudicating upon the appeal may condemn either party to costs ; and if the decision appealed from be modified, it may order its judgment to be served upon the municipality, and such judgment is final and executory. After the judgment upon the appeal, all original documents transmitted by the municipality in consequence of the appeal shall be returned to the latter.
- Service of judgment.**
- Return of documents to corporation.**

468. Every appellant who neglects effectually to prosecute the appeal, is deemed to have abandoned such appeal, and the court, on application by the respondent, may declare all the rights and claims founded on the said appeal forfeited with costs in favour of the respondent, and order the transmission of the record to the municipality.

If appeal not
diligently
prosecuted.

SECTION XXV

TAXES AND LICENSES

§ 1.—*General provisions*

469. The council may, by resolution, whenever it deems the same advisable, authorize the clerk or any other officer, to add, to the amount of any taxes to be levied on taxable property in the municipality, a sum not exceeding ten per cent. to cover losses, costs and bad debts.

Additional
taxes.

470. Taxes bear interest, at the rate of five per cent. per annum, from the expiration of the delay during which they ought to be paid, without its being for such purpose necessary that a special demand of payment be made.

Taxes to bear
interest.

Neither the municipal council nor its officers can remit any taxes or the interest thereon, subject to the provisions of article 518.

Interest can-
not be re-
mitted.

471. Municipal taxes and interest due thereon are privileged claims exempt from the formality of registration.

Taxes to be
privileged.

472. Arrears of municipal taxes are prescribed by three years.

Prescription
of taxes.

§ 2.—*Property not taxable*

- 473.** 1. The following property is not subject to taxation :
- (a) All lands belonging to His Majesty or held in trust for the service of His Majesty ;
 - (b) The property of the Federal and Provincial Governments and of the municipal corporation ;
 - (c) The property held and occupied for public worship, presbyteries, parsonages and cemeteries ;
 - (d) All educational establishments as well as the land upon which the same are situate, and all buildings or lands used for libraries gratuitously open to the public ;
 - (e) All buildings and lands occupied and possessed by a charitable establishment ; but the property possessed by religious institutions, as well as by charitable

Property
not taxable.

and educational corporations for the purpose of deriving a revenue, shall not be exempt from taxation.

Proviso respecting lands leased from Government.

Provided, nevertheless, that the said exemption shall not extend to lands or to buildings erected upon lands leased or occupied under lease from the Government; the said lands belonging to the Government and occupied under lease shall be assessed in the same manner as any other immoveable property, and the assessments shall be paid by the lessee or occupant as if they were assessed against the lessee or occupant personally.

Certain proprietors and lessees how-ever to be liable for certain taxes, &c.

2. The proprietors, lessees, and occupants of the property mentioned in paragraphs *c*, *d*, and *e*, shall nevertheless be subject to the works required for the opening and maintenance of streets, water-courses and public lighting, under the by-laws, and shall be liable for the payment of any special tax or assessment made for that purpose, as well as for the payment for the use of water.

§ 3.—*Imposition of taxes, etc.*

Annual tax upon immoveables and amount thereof.

474. The council may impose and levy, annually, on every immoveable in the municipality a tax not exceeding two per cent. of the real value as shown on the valuation roll.

Taxation of farming lands.

475. All land under cultivation or farmed or used as pasture for cattle, as well as all uncleared land or wood lots within the limits of the municipality, shall be taxed for an amount not exceeding three quarters of one per cent.

Additions to roll in certain cases.

The council may cause to be added to the valuation roll, from time to time, by the assessors in office on the valuation by them made, any portion of such land or immoveable, which has been detached therefrom as a building lot, and shall thus have become liable to taxation after the closing of the valuation roll, and to exact the said tax as upon all other lots entered on the said roll.

Council may levy annually a tax :
On stocks in trade ;

476. The council may impose and levy annually :

1. On the stock in trade of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses, on all yards or depots for rough, sawn or manufactured wood or lumber, and on all yards or depots for coal or other articles of commerce kept for sale, a tax not exceeding one eighth of one per cent. on the estimated average value of such stocks in trade or other articles of commerce ;

On tenants ;

2. On all tenants paying rent in the municipality an annual tax not exceeding eight cents in the dollar on the amount of their rent.

Every person, occupying property or part of any prop- On occupants.
erty of which he is neither the owner nor lessee, is liable
for the payment of the tax enacted by this paragraph.

477. The council may impose and levy an annual tax, to Tax on stal-
be fixed by by-law, on every stallion kept for breeding, on lions, &c.
every horse aged three years and over, on every bull kept
for breeding, on every other head of horned cattle over
two years of age, on every dog and on every vehicle kept
in the municipality.

478. The council may impose and levy on all male Poll-tax.
inhabitants of the age of twenty-one years and over, who
have resided in the municipality during six months, and who
are not liable to the payment of any other tax in virtue of
this act, an annual tax of two dollars.

479. The council may establish, impose and levy certain Tax on all
annual dues or taxes on all trades, manufactures, financial trades, &c.
or commercial establishments, occupations, arts, professions,
callings or means of earning a profit or a livelihood, carried
on or followed by one or more persons, firms or corporations
in the municipality, provided that such duties or taxes do
not exceed in any case the sum of two hundred dollars per
annum ; such dues or taxes may be different or higher for
persons who have not resided in the municipality for twelve
months than for persons who reside therein.

480. Every special tax imposed under the preceding Special tax
article may, in the discretion of the council, be imposed and may be in the
levied in the form of a license ; and thereupon such tax form of li-
shall be payable, annually, at such time and under such con- cence.
ditions and restrictions as the council may determine. When pay-

481. In addition to the above taxes mentioned in the Further taxes
foregoing articles of this section, the council may also impose authorized by
such taxes as are otherwise authorized by this act. this act.

482. Every tax imposed by virtue of the foregoing pro- Taxes payable
visions is payable annually and at the time fixed by the by- annually at
laws. time fixed by
by-law.

483. The cadastral number, given to immoveable property Cadastral
upon the official plan and in the book of reference for the number suffi-
territorial division in which such property is situated, is a cient to de-
sufficient description of such property in the assessment and scribe prop-
collection roll to enable the municipality to levy the assess- erty.
ment thereon.

When prop-
erty is sub-
divided.

484. Whenever the subdivision of any property shall not have been duly registered in the registry office, within the limits whereof such property is situated, the assessors may assess it as a whole; and it shall be lawful for the municipality to levy the tax 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.

Tax under
article 479,
how payable.

485. The tax imposed in virtue of article 479 is payable for every establishment of a trade, and for every kind of business or occupation, when carried on by the same person, firm or company in two or more distinct and separate buildings or places of business.

Subrogation
in favor of
person pay-
ing for prop-
rietor.

486. Any person, not being the owner, who pays municipal taxes imposed in consideration of the land which he occupies, is subrogated, without other formality, in the privileges of the corporation on the moveable or immoveable property of the owner, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs.

Parties to be
held to pay
taxes.

487. Municipal taxes, imposed on any land, may be collected from the tenant, occupant or other possessor of such land as well as from the owner thereof, or from any subsequent acquirer of such land, even when such tenant, occupant, possessor or acquirer is not entered on the valuation roll.

Tax on part-
ners.

488. In the case of any tax imposed on any firm or partnership, in respect of the business of such firm or partnership, such tax may be claimed and recovered in full from any of the members of such firm or partnership.

By-laws for
collection of
special tax,
&c.

489. The council may pass such by-laws as may be necessary to enforce the collection of any special tax imposed in virtue of this act.

Collection of
school tax.

490. The council shall, on the requisition of the school commissioners or trustees of any school municipality situated within the limits of the municipality, accept the school assessment roll or the certified extract therefrom presented by them, and order the secretary-treasurer to collect such taxes, in the same manner and at the same time as municipal taxes.

§ 4.—*Collection roll and collection of taxes*

491. It is the duty of the treasurer to make a general collection roll, each year, at the time fixed by the council, including all taxes, both general and special, then imposed, and mentioning them separately. General collection roll.

He also makes a special collection roll, whenever any special tax has been imposed, after the making of the general collection roll, or whenever he is ordered so to do by the council. Such special roll shall exist as a separate roll only until the date fixed by the council for the preparation of the new general roll, and it must then be included in the general roll which the treasurer shall prepare. Special roll.

492. If the municipal council has ordered, by resolution, that the collection of school taxes be made at the same time and in the same manner as municipal taxes, the treasurer enters in the general collection roll the amount of such taxes, collects them and remits them forthwith to the secretary-treasurer of schools. Collection of school taxes.

493. The treasurer, after having completed the collection roll, gives public notice in which he announces that the general collection roll, or the special roll, as the case may be, has been completed and is deposited in his office, and requires all persons liable for the payment of the sums therein mentioned, to pay the same at his office, within the twenty days following the publication of such notice. Notice of deposit of roll.

494. At the expiration of the delay of twenty days, the treasurer shall make a demand of payment of all sums entered in the collection roll and remaining uncollected, from the persons liable for the same, by serving or causing to be served upon them personally, or at their domicile, a special notice to that effect, accompanied by a detailed statement of the sums due by them. Demand of payment. Statement of account.

Until the fee for the service of such notice is fixed by the council, the treasurer is entitled to twenty-five cents for the service of such notice. Fee therefor.

§ 5.—*Seizure and sale of moveables for non-payment of taxes*

495. If, after the fifteen days next following the demand made in virtue of the preceding article, the sums due by the persons entered on the collection roll have not been paid, the treasurer may levy them together with costs, by seizure and sale of the moveables and effects of such persons which may be found in the municipality. Seizure and sale of moveables.

Warrant to that effect.

496. Such seizure and sale are made under a warrant signed by the mayor, addressed to a bailiff and executed by that officer, under his oath of office, according to the same rules and under the same responsibilities and penalties as a writ of execution *de bonis* issued by the Circuit Court.

Responsibility.

The mayor, in giving and signing such warrant, does not incur any personal responsibility; he acts under the responsibility of the municipality.

Closed doors, &c.

497. If the debtor be absent, or if there be no person to open the doors of the house, cupboards, chests or other closed places, or in the event of a refusal to open the same, the seizing officer may, by an order of the mayor or of any justice of the peace, be empowered to cause the same to be opened by the usual lawful means, in presence of two witnesses, with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical obstacle.

Stoppage of sale.

498. The sale on such warrant cannot be stopped, except on an order of a judge of the Superior or Circuit Court, made on petition presented either in chambers, or to the Superior or Circuit Court.

§ 6.—*Suits for recovery of taxes*

Suit for recovery of taxes.

499. The payment of municipal taxes may be also claimed by an action brought in the name of the municipality, before the magistrates' court, or the Circuit Court for the county or district, or before the mayor, or two or more councillors acting *ex officio* as justices of the peace, or before the recorder's court if there be one.

§ 7.—*Sale of immoveables for non-payment of taxes*

Sale of immoveables.

500. If the taxes imposed on one or more immoveables have not been paid within the six months next after the notice of deposit of the roll, because the person bound to pay them does not reside in the municipality, or, if he reside therein, because sufficient moveable property to him belonging and liable to seizure has not been found therein, the mayor may, with the authorization of the council, issue under his hand and that of the clerk a warrant specifying the amount of taxes due, and ordering the sheriff of the district to seize and sell the immoveables therein described, and in respect of which such taxes are due.

Warrant to sheriff.

501. The sheriff is bound to execute such warrant, by observing the same formalities and with the same effect, as

Duties of sheriff; proceedings.

in the case of a writ *de terris* ; and all proceedings subsequent to the issue of the warrant by the mayor shall take place before the Superior Court of the district.

502. The council may, nevertheless, whenever it deems it expedient, declare, by resolution, that the sale of one or more immovable properties upon which taxes are due shall not be effected under a warrant addressed to the sheriff, but that the clerk of the council shall sell such property by public auction at the office of the council or any other place fixed by the council in the manner hereinafter set forth.

Sales of immovables for taxes may be made by the clerk.

503. The clerk prepares a list containing a sufficient description of the properties to be sold at public auction by order of the council ; and, within fifteen days after such order has been given, shall give public notice, in the manner required for the publication of a by-law, of the day, hour and place where the said public auction will take place.

List containing description of properties to be sold.

Notice of sale, &c.

504. This notice, as well as the copies posted up, shall each contain the official numbers or at least a sufficient description of the properties to be sold made according to article 2168 of the Civil Code.

What description notice to contain.

505. This notice is published twice in French and English in the *Quebec Official Gazette* and at least in one French and one English newspaper, if any there be, published in the district before the sale, which shall be held in all cases within the fifteen days following the last insertion in the *Quebec Official Gazette*.

Publication of notice.

506. At the time appointed for the sale, the clerk or some other person acting for him, sells to the highest bidder, the immovables described in the notice upon which taxes are still due, after making known the amount to be raised on each of such immovables, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt.

Proceedings at sale.

507. The purchaser of any immovable property must pay the amount of his purchase money immediately upon the adjudication thereof.

Price of adjudication to be paid at once.

In default of immediate payment, the person making the sale either at once puts up the immovable again for sale, or adjourns the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

If not so paid.

508. On payment by the purchaser of the amount of his purchase money, the clerk sets forth, in a certificate made

Certificate to be given to purchaser.

in duplicate and signed by himself, the particulars of the sale, and delivers a duplicate of such certificate to the purchaser.

Effect thereof.
Timber, &c.,
not to be car-
ried off.

509. The purchaser is thereupon seized and possessed of the immoveable adjudged, and may enter into possession thereof, subject to the same being redeemed within the two years next following, but, however, cannot carry off timber from such immoveable during the said years.

If not re-
deemed with-
in certain
time.

510. If, within two years from the day of the adjudication, the immoveable adjudged has not been bought back or redeemed, according to the following provisions, the purchaser remains the irrevocable proprietor thereof.

Deed of sale
from council.

511. Such purchaser, upon exhibiting the certificate of his purchase and upon proving the payment of all municipal and school taxes which in the meantime have become due thereon, is entitled, at the expiration of two years' delay, to a deed of sale from the council.

In whose
name ex-
ecuted.

512. The deed of sale is executed in the name of the municipality by the clerk by deed before a notary.

Rights of
purchaser
pass to his
heirs, &c.
Sale conveys
ownership of
land.

513. All the rights acquired by the purchaser pass to his heirs or legal representatives.

514. The sale made under the provisions hereinabove is a title which conveys the ownership of the immoveable adjudged.

Vests in pur-
chaser cer-
tain rights
and purges
certain
claims.

Exception.

515. It vests in the purchaser all the rights of the original owner, and purges the immoveable from all privileges and hypothecs whatsoever to which it may be subject, except claims to constituted ground rents, to seigniorial rights and to rents substituted therefor, and the amounts for which such immoveable may be encumbered for the payment of municipal and school taxes, also the dues of the trustees for the amount of all assessments imposed upon the said immoveable to defray the expenses of building or repairs to churches, vestries, parsonages and burial grounds; provided that, at least eight days before such sale, there has been lodged with the clerk of the council a certified account establishing the amount of such arrears of ground rents, taxes, school taxes or assessments and also the amount due to the trustees for the building or repairing of a church.

Proviso.

§ 8.—*Redemption of immoveables sold for taxes*

516. The owner of any immoveable sold by the clerk of the council under the preceding provisions may, within two years next following the day of adjudication, redeem the same by repaying to the treasurer of the municipality the amount laid out for the purchase of such land, with the cost of the certificate of adjudication or acquisition, with interest at the rate of ten per cent. per annum. Redemption of immoveables sold for taxes.

517. Any person, whether authorized or not, may redeem or recover such immoveable in the same manner, but only in the name and for the benefit of the person who was the proprietor thereof at the time of the adjudication. Redemption by other than former proprietor.

SECTION XXVI

EXEMPTION FROM TAXATION

518. Subject to articles 4643*d* and following of the Revised Statutes, the council may, by a resolution, exempt from municipal taxes, for a period not exceeding twenty years, any person who carries on any industry, trade or enterprise whatsoever, or agree with such person for a fixed sum of money, payable annually, for any period not exceeding twenty years, in commutation of all municipal taxes. Exemption from or commutation of taxes.

It may exempt the poor of the municipality from the payment of taxes. Poor persons.

The exemptions or agreements authorized by this article shall not extend to work upon water-courses, boundary ditches, fences, drains, sidewalks, or roads connected with taxable property so exempted or commuted. Restriction of exemptions.

SECTION XXVII

LOANS

519. The council may borrow, from time to time, various sums of money, for improvements in the municipality, and generally for all objects within its jurisdiction. Power of borrowing.

520. Whenever the council contracts a loan, it is enjoined to immediately provide, out of the revenues of the municipality, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent. per annum, for each such loan. Interest. Sinking fund.

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

Investment of sinking fund.

521. The sinking fund must be invested in the public funds of the Dominion or of the Province, or on first hypothec to an amount not exceeding one half the value of the property mortgaged as appears by the municipal valuation roll; provided that provision be made for the insurance of the property so mortgaged, to be taken in the name of the municipality and at the expense of the borrower to an amount of not less than one half of the value of the property so insured; or be employed in the redemption of bonds issued by the corporation; or be deposited in an incorporated bank.

The council may, if the lenders consent to or require it, deposit in their hands the sums intended for the sinking fund.

In such case, the receipts given to the council are so drawn as to define what amount has been paid for interest, and what amount for the sinking fund.

Issue of debentures.

522. The council may contract its loans by an issue of bonds, obligations or debentures signed by the mayor, and countersigned by the clerk and bearing the seal of the corporation.

How payable.

Such bonds, obligations or debentures are made payable to bearer, at the periods fixed by the council, with interest payable on the first days of the months of May and November in each year, at any rate of interest not exceeding the legal rate.

Coupons.

523. Coupons to the amount of the half-yearly interest, signed by the mayor and countersigned by the clerk, and payable to bearer at the period the interest specified therein falls due, may be annexed to each bond, obligation or debenture.

Proof of payment of interest.

At the time of payment, the coupons are handed to the treasurer; and the possession, by such officer, of any coupon, is *prima facie* evidence that the half-yearly interest specified therein has been paid.

General guarantee of debentures, &c.

524. The principal and interest of every bond, obligation or debenture issued by the council are secured by the general funds of the municipality.

Approval of electors required.

525. Loans, whether by the issue of bonds, obligations or debentures or otherwise, are only made under a by-law of the council to that effect approved by a majority in number and in real value of the proprietors who are municipal electors, and who have voted.

526. Whenever the total debt of a municipality amounts to twenty per cent. of the valuation of the taxable immoveable property in the municipality according to the valuation roll then in force, no further loan can be contracted, nor can any further indebtedness be incurred which would have the same effect upon the revenues of a municipality that such loan would have, unless the by-law is approved by three-fourths in number and value of the proprietors who are municipal electors and who have voted thereon, and by the Lieutenant-Governor in Council.

Approval required for loans if debt amounts to certain percentage of taxable property.

527. When the interest and the sinking fund of the sums borrowed by the municipality absorb half the revenue thereof, the council shall not in any case contract a new loan, without having been specially authorized thereto by the Lieutenant-Governor in Council, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors and who have voted thereon.

Authority of Lieutenant-Governor required for certain loans.

Any by-law authorizing a loan by virtue of this article shall levy an annual special tax sufficient for the payment of the interest for each year, and of one per cent. per annum at least as sinking fund, until the debt is extinguished.

Special tax required.

528. It shall be lawful for any municipality, when contracting any loan which it may lawfully make, to stipulate that it will repay the same by annuities covering a term not exceeding fifty years.

Loans may be repayable by annuities.

529. Such annuities include the interest and the portion of the capital which is to be annually paid to extinguish the debt at the time agreed upon.

What annuities to comprise.

530. Municipalities may, for the payment of such annuities, issue bonds, obligations or debentures becoming due every six months, or every year until the loan is extinguished.

How such annuities may be payable.

531. Every by-law authorizing a loan shall be submitted for the approval of the electors, in accordance with articles 354 and 367 of this act, within thirty days after the council has passed the same.

By-law to be submitted to electors.

SECTION XXVIII

EXPROPRIATIONS

532. The council may, by complying with the provisions following, appropriate any immoveable property, any part thereof or any servitude required for the execution of works ordered by it within the scope of its jurisdiction.

Right of expropriation.

Expropriation of macadamized roads.

533. The council may also, by complying with the provisions of this act respecting expropriations, appropriate the whole or any part of any macadamized or stoned road in the municipality belonging to one or more companies.

Council cannot expropriate certain properties.

534. The council cannot expropriate the properties following :

1. Property belonging to His Majesty, or held in trust for his use ;
2. Property occupied by the Federal or Provincial Government ;
3. Property possessed or occupied by railway companies, *fabriques*, or religious, charitable or educational institutions or corporations ;
4. Cemeteries, bishops' palaces, parsonages, and their dependencies.

Council not to injure canals, &c.

535. The council further cannot, without the consent of the owner, in any manner injure any canal, or the dam of any mill or factory, or divert the course of the water which feeds such canal, mill or factory.

Indemnity may be fixed by agreement.

536. The indemnity to be paid for any immoveable or part of an immoveable or any servitude liable to expropriation may be fixed and established by agreement between the council and the owner thereof.

Who may make agreement.

In cases of substitution, the institute,—in cases of usufruct, the usufructuary,—in cases of interdiction, the curator,—in cases of minority, the tutor,—in cases of the private property of the wife common as to property and in cases of separation as to property, the wife authorized by her husband, or, if he is absent or interdicted or refuses, by the judge,—may enter into such agreement.

Appointment of arbitrators.

537. In the absence of an understanding between the parties, the value of the immoveable in question, together with whatever goes in compensation against the value of such immoveable shall be estimated by arbitrators named as follows : one by the council, one by the owner or on his behalf, and a third by the two former, or, if they cannot agree, by a judge of the Superior Court, on demand of any of the interested parties.

Appointment by judge in case of refusal or neglect to appoint by one of the parties.

538. Whenever, under the provisions of the law or of any by-law, it is necessary that one or more arbitrators or a third arbitrator be appointed, and either party refuses or makes default to select the said arbitrator, after having been duly required so to do in the manner by law or by by-law

provided, the other party may, by summary petition, of which notice has been given to the adverse party, apply to a judge of the Superior Court, who then has jurisdiction and power to make the appointment.

Such appointment is deemed and held for all lawful purposes to be as if the choice of the party who has not made it.

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

The arbitrators, after having examined and valued the immoveable and heard the parties and their witnesses under oath administered by one of them, if they deem it expedient, give their award by means of a certificate signed by them or by the majority of them, and which they deposit in the office of the council. Proceedings of arbitrators.
Award.

Such award is final and without appeal.

Award final.

540. In any award rendered by them, the arbitrators mention the lot whereof the immoveable taken forms part, the name of the owner of such immoveable, and also the by-law or order of the council under which such immoveable is taken, and fix the amount of the indemnity, if they grant one, and, if they do not, a statement to that effect is entered in such award establishing their refusal. What to contain.

541. On payment or lawful tender of the amount of the indemnity agreed upon or awarded, or on the deposit thereof under article 542, the municipality is entitled to take possession of the property. Entry into possession by corporation.

If such taking possession be resisted or opposed by any person, any judge of the Superior Court, on proof of the award of the arbitrators, and of the payment, or tender, or deposit, as the case may be, may issue his writ addressed to any bailiff or to the sheriff, in order to have the municipality placed in possession of such immoveable and to cause all resistance or opposition to cease; all which the bailiff or sheriff accomplishes, providing himself to that end with the assistance required. In case of resistance.

542. If the owner expropriated be unknown, or if the council, through apprehension of future claims or through other motives, deem it advisable so to do, the amount of the indemnity, together with six months' interest thereon, is deposited in the office of the prothonotary of the district, together with a copy of the deed of agreement, or of the award of the arbitrators; and proceedings are taken for the ratification of such deed or award, by following the same procedure and with the same effect, as in ordinary applications for confirmation of title. Confirmation of title.

TITLE XI

RECOVERY OF PENALTIES

SECTION I

GENERAL PROVISIONS

- 543.** Penalties imposed by the by-laws of the council, or by the provisions of this act or of the charter, shall be recoverable either before the district magistrates' court of the district, within the limits of which they have been incurred, or before any justice of the peace, if there be one, residing in the municipality, if not, before any justice of the peace, residing in a neighboring municipality in the district.
- 544.** All penalties incurred by the same person may be included in the same suit.
- 545.** Every prosecution for the recovery of such penalties shall be begun within six months from the date when they were incurred, after which period the same cannot be brought.
- 546.** Such prosecutions may be brought by any person of age, in his own name, or by the municipality.
- 547.** Penalties recovered in virtue of the by-laws of the council or of the provisions of this act or of the charter, belong, unless it is otherwise provided, one half to the prosecutor and the other half to the municipality.
If the prosecution have been brought by the municipality, the penalty belongs wholly to the municipality.
If the penalty be due by the municipality, it belongs wholly to the prosecutor.
- 548.** In default of immediate payment of the fine imposed by the court, and the costs, after the rendering of the judgment, the person condemned may be imprisoned, except in cases where it is otherwise provided, for any time not exceeding thirty days, which imprisonment, however, ceases on payment of the sum due.
Such imprisonment discharges the person who undergoes it from the obligation of satisfying the judgment against him.
- 549.** The plaintiff or the complainant, whose complaint has been dismissed with costs, is bound to pay the costs, under penalty of imprisonment, in the manner prescribed in the preceding article, except in cases where it is otherwise provided.

Court before which suits are to be brought.

Suit.

Prescription.

Who may bring suit.

To whom fine belongs.

Imprisonment in default of immediate payment.

Discharge.

If demand dismissed.

SECTION II

PROSECUTIONS BEFORE JUSTICES OF THE PEACE

550. Prosecutions brought before the district magistrate or before justices of the peace, in virtue of article 543, are heard and decided by them, according to the rules contained in Part LVIII of the Criminal Code, 1892, (Articles 839 to 909), except in so far as the same are inconsistent with the provisions of this act. Procedure.

551. The justice of the peace, who signed the summons or the warrant, is entitled to hear and decide the case alone. He may nevertheless require the assistance of any other justice of the peace having jurisdiction within the district. Hearing by justice of the peace.

552. The returns of service made by a bailiff are made under his oath of office. Returns.

553. The justice of the peace or the clerk takes notes of the important part of the evidence, but the depositions are not taken down in shorthand unless both parties consent. Notes of evidence.

These notes, signed by the sitting justice of the peace, form part of the record.

554. The judgment of the court is executory immediately after having been rendered. Execution of judgment.

TITLE XII

RECORDER'S COURT

SECTION I

ORGANIZATION OF THE COURT

555. The council may, by by-law, establish a court of record in the municipality, called the "Recorder's Court," which shall be presided over by a recorder appointed in the manner hereinafter provided. Establishment of recorder's court.

The court shall sit in the town hall or at any other place which may, from time to time, be fixed by the council for that purpose. Where court to sit.

The court has a seal.

Seal.

556. The recorder shall be appointed by the Lieutenant-Governor in council, upon the suggestion of the council of the municipality. Appointment of recorder upon suggestion of council.

- Qualification.** **557.** The recorder must be an advocate of at least five years' standing.
- Recorder may practise in other courts.** **558.** The acceptance of such office and the performance of the duties thereof do not prevent the recorder from practising his profession before any court, other than the recorder's court, any law or regulation to the contrary notwithstanding.
- Salary how fixed.** **559.** The salary of the recorder is fixed by resolution of the council of the municipality and paid by the municipality.
- Deputy-recorder.** **560.** The recorder may, from time to time, appoint under his hand a deputy-recorder, who must be an advocate of five years' standing. The original of such appointment shall be deposited and registered in the office of the clerk.
- Powers of deputy.** **561.** The person so appointed possesses, for and during the period of time limited in the instrument containing his appointment, or, if no period of time be therein limited, then from the date of the registration, as aforesaid, until the revocation thereof, the jurisdiction, and is vested with all the rights, powers and privileges, and is bound to discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him.
- When municipality to pay services of deputy.** The municipality is not bound to pay for the services rendered by such deputy, except in case of the illness of the recorder, and during the time allowed to the recorder for his holidays, which shall not exceed thirty days in any year.
- Amount, how fixed.** The amount to be paid to such deputy for his services, in such cases, is fixed and determined by the council.
- Court not to be deemed to be illegally held in certain event.** The recorder's court is not, at any time, to be deemed to have been illegally held, nor are the acts of any deputy-recorder to be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.
- Provision in case of death of recorder.** **562.** In case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor appoints his successor, in accordance with the law.
- Appointment, if recorder has not appointed a deputy in certain event.** If the recorder die or resign, without having appointed a deputy, then the council shall appoint one who is vested with all the rights, powers and privileges of the recorder until one is appointed by the Lieutenant-Governor in council.
- Appointment by Lieutenant-Governor or without suggestion of council.** If the council neglect, for over three months, to suggest to the Lieutenant-Governor in council the name of a person to be appointed recorder to replace the recorder having so died or resigned, the Lieutenant-Governor in council may make the appointment without any name having been suggested.

563. The clerk of the recorder's court is appointed by the council, during pleasure ; he is *ex officio* a justice of the peace in and for the district in which the municipality is situated.

Appointment of clerk, and his powers as a justice of the peace.

He is the custodian of the seal of the court.

Custodian of seal of court.

564. The clerk may, with the approval of the recorder, by an instrument under his hand, to be acknowledged by him before the recorder and entered in the register of the court, appoint a fit and proper person to be and act as his assistant, and he may remove any person so appointed and appoint another in his stead.

Appointment, &c., of deputy clerk.

565. So long as he holds office, such assistant shall fulfil all the duties, and shall be vested with all the powers, imposed or conferred by this act on the clerk of the court.

Powers of deputy clerk.

566. Immediately after their appointment and before entering into office, the recorder, the deputy-recorder, the clerk and the assistant-clerk of the said court, shall make oath to well and faithfully perform the duties of their office.

Oath of office of recorder, &c.

The omission during ten days to take such oath constitutes a refusal to accept the office.

Effect of default to take oath.

567. The clerk and assistant-clerk take the oath of office before the recorder's court ; and the said oath is inscribed on the document appointing such clerk and assistant-clerk.

Before whom oath of clerk, &c., to be taken, &c.

568. The clerk shall prepare and make all writs, warrants or orders whatsoever that may be issued by the said court or by the recorder.

Duties of clerk.

He shall conduct all cases and suits cognizable by the said court or the recorder, except in cases where the municipality or parties to suits shall deem it expedient to be represented by an advocate of their own selection.

569. 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.

Bailiffs of recorder's court.

The bailiffs so appointed shall take oath before the recorder, for the faithful performance of the duties of their office and shall be officers of the said court.

Oath.

The recorder shall also have the right to require the services of the constables of the municipality in the interest of justice.

Constables.

SECTION II

JURISDICTION

Powers of recorder. **570.** The recorder is *ex-officio* a justice of the peace in and for the district in which the municipality is situated, and is vested with all the rights, powers, and authority of the recorder's court.

Jurisdiction of recorder's court : **571.** The recorder's court has the jurisdiction of a recorder and shall hear and try summarily :

Actions for recovery of sums due for assessments, &c ; 1. Any action brought in virtue of any by-law or resolution of the council for the recovery of any sum of money due to the municipality for any tax, license, water-rate, or permit, or for the rent of any butcher's stall or other stall or stand, in or upon any of the markets, or outside the same ;

Actions to enforce by-laws ; 2. Any action for the enforcement of any by-law or resolution of the council ;

Suits for fines, &c ; 3. Suits for the recovery or imposition of any fine or resulting from any infraction of this act, of the charter or of any by-law or resolution of the municipality ;

Actions under R. S., 2783 to 2795. 4. All actions brought under articles 2783 to 2795, both inclusive, of the Revised Statutes of the Province of Quebec ; article 2782 of the said Revised Statutes applies to the recorder *mutatis mutandis*.

Concurrent jurisdiction with Circuit Court in certain actions between lessors and lessees. **572.** The recorder's court has concurrent jurisdiction with the Circuit Court, in matters between lessors and lessees, and has, to that end, all necessary powers and authority, including that of issuing writs of summons, execution and possession, and of fixing and determining the costs to be paid by the losing party ; provided, always, that the jurisdiction of the recorder's court shall be limited to cases where the amount claimed shall not exceed twenty-five dollars, and where the consideration or annual value of the immoveables occupied shall not exceed the sum of one hundred dollars, and that the said immoveables are situated in the municipality ; and provided always that there shall be placed upon every proceeding before the said court the same law stamps which would be placed thereon if the proceeding was instituted before the Circuit Court.

Proviso. **573.** After judgment ordering the eviction of a tenant in virtue of the next preceding article, 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 necessary authority to that effect.

Writ of possession. **573.** After judgment ordering the eviction of a tenant in virtue of the next preceding article, 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 necessary authority to that effect.

SECTION III

PROCEDURE

574. 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. Court, when held.

575. The recorder may set apart a room where special cases may be heard and disposed of. Hearing of special cases.

576. The articles contained in chapter LXIII of the Code of Civil Procedure, (Articles 1253 to 1283), which are not inconsistent with this act, apply *mutatis mutandis*, as the case may be, to the recorder and the recorder's court, in civil matters. Application of chapter LXIII of Code of Civil Procedure.

577. The clerk registers, daily, in a succinct manner, the proceedings had in each case or complaint brought before the court. Proceedings in cases to be registered.

It is not 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 are a sufficient record thereof. Notes on original

578. Every summons, order, writ or warrant, of any nature whatsoever, issued by the court, is in the name of His Majesty, His Heirs or successors; they are signed by the recorder, by the clerk of the court, or by the assistant clerk. Form of writs, &c.

579. In cases where a person is arrested on view by a police officer or constable, for any violation of the provisions contained in articles 2783 to 2795, inclusively, of the Revised Statutes, or in this act or in the charter or in any 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 to the clerk so to do. Complaints for certain offences need not be in writing, &c. Proviso.

580. Whenever any person is accused of an offence against the provisions of this act or of the charter, or of any by-law of the council, and such person has not been arrested on view, he may be summoned by a writ to appear before the said court, to answer the complaint, which shall Proceedings against persons not arrested for infringing by-laws, &c.

- Service of writ. be clearly and explicitly set forth in the writ ; such writ is 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.
- Proviso.
- Service, how effected. **581.** The service of any document issued by the recorder's court or by the recorder is 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 manner 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. **582.** Every bailiff, being bearer of a writ or document to be served, issued by the recorder's court, makes a return, under his oath of office, of all proceedings had by him in relation to such writ or document, and such return is sufficient proof of such proceedings for all legal purposes.
- Services by bailiff of Superior Court. **583.** 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 of the Superior Court has *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. **584.** 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. **585.** 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 proof in writing, or by oral testimony. It is not necessary to reduce the testimony to writing.
- Depositions.
- Order in court, &c. **586.** The president of the court causes 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.

587. In any civil action brought before the said court, including attachments before or after judgment, there is 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, within the fixed delay, 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 plea shall be entered or filed.

Proceedings after appearance.

On the following juridical day or on that fixed by the court, the parties 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, &c.

588. In all prosecutions instituted before the recorder's court or before the recorder, other than civil actions, the provisions of part LVIII of the Criminal Code, 1892, (Articles 839 to 909), respecting summary proceedings before magistrates, 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, judgment or order, and generally as to all rules imposed upon magistrates for such object, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation thereto.

Provisions applicable in penal cases.

In such proceedings, however, it shall not be necessary for the deposition of the witnesses to be taken in writing.

Depositions.

The several forms contained in the said Code may be varied, in so far as it may be necessary, to render them applicable to the court.

Forms.

589. 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.

590. In all cases, the court may use its discretion in awarding or withholding costs, or in ordering the complainant, the plaintiff or the defendant to pay their own costs or those of the opposite party, and, in certain cases, may award damages, not exceeding twenty-five dollars, when such damages shall appear to have been suffered by reason of the matters and things complained of.

Discretion of court as to costs and as to damages in certain cases.

591. 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.

Execution.

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. **592.** The bailiff, entrusted with the writ of execution, proceeds to the seizure and sale of such goods and chattels, in the manner prescribed by the Code of Civil Procedure.

Saisie-arrêt. **593.** The court may issue writs of *saisie-arrêt* before and after judgment, in the same manner as other courts of civil jurisdiction, and observes 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*.

Certain allegation dispensed with in suits. **594.** In any suit, action or prosecution brought before the recorder's court, it is not necessary to 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 such statute or to mention the date and number of the by-law in that behalf made.

Tariff of fees. **595.** 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.

Liability of joint owners, &c. **596.** Any joint partner in, and joint owner or occupier of any lot, house, building or other immoveable in the municipality, complained of for violation of any by-law of the council, 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 or existing 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.

What is sufficient in suit in such case. 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.

Who may sue. **597.** Saving when otherwise prescribed, any action for the recovery of any fine or the imposition of any penalty may be instituted, either by the corporation or by a private person in his own name.

598. The recovery of any fine, or of any costs, even subsequent to the conviction or order, or damages imposed by the recorder's court, is enforced in accordance with the act or the by-law imposing the same; but if the act or by-law does not specify any mode of procedure in respect thereof, such recovery is 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 the writs are issued in the manner above-mentioned.

How recovery of fines is enforced.

599. In all cases in which a fine has been incurred by a corporation, association, or firm recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association, or firm, in virtue of a writ of execution issued from the said court; and proceedings are had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Recovery of fines against corporations, &c.

600. All fines sued for and recovered in the recorder's court, under this act or of the charter or of any by-law of the council, belong to the municipality and form part of its general funds.

To whom fines belong.

601. To the council alone appertains the right to remit the whole or part of any fine or any part of a fine belonging to the municipality, or the costs of the suit in connection with the recovery of the said fine.

Remission of fines.

Such remission is made in each case by 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.

How made.

602. Whenever, in this or 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 in which the municipality is situated.

Where imprisonment, &c., to be.

603. 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 name and surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the court may, at any time before judgment, upon application to that effect made by an interested party, direct the amendment of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party requires it for the ends of justice.

Variance between proof and allegation in suits, &c.

Formal objections not allowed.

Proviso.

604. No objection, founded upon form or upon the omission of any formality, is 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.

Magistrates and justices of the peace not to act once recorder's court is established.

605. As soon as the council shall, by by-law, have established a recorder's court, and a recorder shall have been appointed in the manner provided by law, no magistrate or justice of the peace shall, as such, take cognizance of infringements of this act, of the charter or any of the by-laws of the council.

TITLE XIII

PROCEEDINGS AGAINST THE MUNICIPALITY

SECTION I

NOTICE OF ACTIONS AND MISCELLANEOUS PROCEEDINGS

Persons claiming damages for injuries bound to give notice.

606. If any person claim or pretend to have suffered bodily injury by any accident, for which he intends to claim damages from the municipality, he shall, within sixty days from the date of such accident, give or cause notice to be given in writing to the clerk of the municipality of such intention, containing the particulars of his claim, and stating his own domicile, failing which the municipality is relieved from any liability for any damages caused by such accident, notwithstanding any article or provision of law to the contrary; and, in case of any claim for damages to property, moveable or immoveable, a similar notice shall also be given to the clerk of the municipality, within thirty days, failing which the municipality is not liable for any damages notwithstanding any article or provision of law; but in all cases, no action for such damages shall lie unless such action has been instituted within six months after the day the accident happened or right of action accrued.

Prescription of suits.

No such action can be instituted before the expiration of fifteen days from the date of the serving of such notice.

When action to be instituted.

Default of notice in certain cases no bar to action.

The default of such notice does not, however, deprive the victims of such accident of their rights of action, if they prove that they were prevented from giving such notice by irresistible force, or for any other reason deemed valid by the court or judge.

Recourse by municipality in warranty.

The municipality has its recourse in warranty against any person whose fault or negligence occasioned the accident and damages arising therefrom.

607. All actions, suits or claims against the municipality, 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 accrued, any article or provision of the law to the contrary notwithstanding.

Prescription of action of damages for offences, &c.

608. All persons who, by means of any excavations in or obstructions upon any street of the municipality, not authorized by-law or the by-laws of the municipality, 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 municipality for such damages, unless such persons shall be joined as party defendants, if the plaintiff be so required by the municipality, which shall give the name, residence and quality of such persons.

Damages occasioned by obstructions in streets.

609. In case of judgments against the defendants in virtue of the preceding article, execution is at first issued only against the defendant in default, and the municipality is not to be required to take steps to pay such judgment, including costs of execution against the defendant, until such execution is returned unsatisfied, or in the case of an opposition to or contestation of the seizure, for reasons other than matters of form.

Execution of judgments in such cases.

If the municipality pay such judgment it becomes subrogated in the rights of the plaintiff therein, and may enforce payment of the same from the other defendant, and is entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

Recourse if municipality pay amount of judgment.

610. When any suit or action is commenced against the municipality, service therein is made upon the clerk, at his office or domicile.

Service of suits, &c., against municipality.

611. Notwithstanding any law to the contrary, no judgment rendered against the municipality for a pecuniary condemnation only is executory before the expiration of thirty days after the date of the judgment.

Delay in execution of judgments against municipality.

SECTION II

EXECUTION OF JUDGMENTS AGAINST THE MUNICIPALITY

Payment on
service of
judgment.

612. Whenever a copy of a judgment, condemning the municipality to pay a sum of money, has been served at the office of the council, the treasurer shall, forthwith, upon being authorized by the council or by the mayor, pay the amount thereof out of the funds at his disposal, according to the by-laws made under article 437.

Levy, in de-
fault of funds.

613. If there be no funds or if those at the disposal of the treasurer be not sufficient, the council shall, immediately after the service of the judgment, order the treasurer by resolution to levy, on the taxable property of the municipality, a sum sufficient to pay the amount due with interest and costs.

Delay to that
effect.

614. The court which rendered the judgment may, on petition to that end presented either in term or in vacation, grant, from time to time, to the council, any delay which it deems necessary to levy the amount of moneys required.

Writ of ex-
ecution.

615. If the judgment have not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the municipality, returnable before the same court so soon as the amount of the judgment and costs has been levied.

Form and
contents of
writ.

616. Such writ is attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district in which such municipality is situated, enjoining him among other things :

1. To levy from the municipality, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution ;

2. In default of immediate payment by the municipality :

(a) To apportion the sums to be levied on all the taxable property in the municipality, in proportion to its value, as it appears by the valuation roll, with the same powers and under the same obligations and penalties as the council and the clerk, to whom he is lawfully substituted for the levying of such money ;

- (b) To prepare without delay a special collection roll ;
- (c) To publish such special roll in the municipality, in the manner required by article 493 ;
- (d) To exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by articles 493 and 494 ;
- (e) In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by articles 495 to 498, inclusively ;
- (f) To sell the immoveable property liable for such amounts in default of their payment, in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district.

3. To make a return to the court of the amount levied and of his proceedings, so soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order.

617. The sheriff is bound to execute without delay, either personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court. Duties of sheriff.

618. The sheriff has free access to the registers, valuation roll, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of such council, under the same penalties as if such services were required by the council itself. Access of sheriff to registers, &c.

619. He takes possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court. Rights and powers of sheriff.

On the refusal or neglect of the municipal council or its officers to deliver up such documents, he is authorized to take possession thereof.

620. If it be impossible for the seizing officer to obtain the valuation roll, which should serve as a basis for the collection of the moneys, or if there be no such valuation roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property ; and he is authorized to base the special collection roll for the money to be levied on such valuation as if it were the valuation roll in force. Special collection roll.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the costs of execution and are recoverable from the municipality. Costs.

- How taxed. **621.** The fees, costs and disbursements of the sheriff are taxed in the discretion of the judge of the court from which the writ of execution issued.
- Return of documents after collection. **622.** The sheriff transmits to the office of the council a copy of his special collection roll, and any other roll or document, whereof he has taken possession, after having levied the whole amount set forth in the writ of execution, together with interest and costs.
- Arrears. **623.** The arrears due, in virtue of the sheriff's special collection roll, belong to the municipality and may be recovered by such municipality in the same manner as any other municipal tax.
- Surplus. If any surplus remain in the hands of the sheriff, it shall belong to such municipality.
- Orders of court. **624.** The sheriff may obtain from the court any order calculated to facilitate and ensure the complete execution of the writ addressed to him.
- Sale of municipal property. **625.** If the municipality, against which any judgment has been rendered, hold property in its own name, such property may be seized and taken in execution in the ordinary manner prescribed in the Code of Civil Procedure.
- If mortgaged. If any such property be mortgaged for the debt which is the object of the judgment, it shall be sold before the issue of the writ mentioned in article 615.

TITLE XIV

FINAL PROVISIONS.

- Application of R. S., 4178 to 4615 hereafter. **626.** Notwithstanding anything contained in articles 4178 and 4179 of the Revised Statutes, chapter first of title eleventh of the said statutes, comprising articles 4178 to 4615, shall not apply to municipalities of cities or towns hereafter constituted, but the said chapter first shall continue to govern every municipality to which it now applies, until such municipality has, either by an act of this Legislature or by letters patent, been declared to be subject to the provisions of this act.

FORMS



A

(Article 68)

OATH OF OFFICE

“ I, A. B. (*indicate the office*), of the city of
(*or town of* , *as the case may be*), solemnly swear
that I will honestly and faithfully discharge the duties of
the said office, to the best of my judgment and ability. So
help me God.”

Sworn (*or affirmed*) before me }
at....., this..... } *Signature*) A. B.
day of.....19..... }

(*Signature*) C. D.

J. P.



PROVINCE OF QUEBEC,
 City of (or town of
 as the case may be). }

B
 (Article 122)

LIST OF MUNICIPAL ELECTORS

No.	Surnames.	Names.	Occupation.	Residence.	Nature of Qualification.	Description of immoveable.	REMARKS.
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							

Made in duplicate this _____ day of the month of _____, nineteen hundred and _____
 I, P.P., swear that, to the best of my knowledge and belief, the foregoing list of electors is correct, and that nothing has been entered therein
 or omitted therefrom, unduly or by fraud. So help me God.

Sworn before me at _____, this _____ day
 (Signature) _____ F. F.,
 Justice of the Peace.

(Signature) _____ P P.,
 Clerk of the city of _____ (or town of _____, as the case may be)

C

(Article 123)

NOTICE OF THE PREPARATION AND DEPOSIT OF THE LIST OF
ELECTORS

Notice is hereby given that I, the undersigned.....
clerk of the city (or town, as the case may be), of.....
have prepared, according to law, the list of municipal elect-
ors of the city (or town, as the case may be) of
and that such list is now deposited in my office at the dis-
posal and for the information of all persons interested.

Given under my hand, at....., this.....day of
the month of....., in the year 19...

(Signed) P. P.,
Clerk.

D

(Article 142)

CERTIFICATE OF THE COMING INTO FORCE OF THE LIST

I, the undersigned, P. P., clerk, certify on my oath of
office :

1. That I have given the notice required by the *Cities and Towns' Act*, 1903, article 123 ;
2. That, from the date of such notice, the above list re-
mained in my office at the disposal of all persons interested ;
3. That the list has been examined and corrected, (*if it
has been corrected*) by the council of this municipality, within
the thirty days next after the said day (*date of the publication
of the notice required by article 123*), that is to say : at the
sessions of the council, held on the (*days when sessions were
held*), and that the corrections (*if any were made*) were
initialed by B. B., mayor, (or C. C., councillor, presiding the
council in the absence of the mayor, as the case may be) ;
(*or if the list has not been examined.*)

That this list has not been examined by the council of this municipality within the thirty days after the said day (*date of the publication of the notice required by article 123*);

4. That the above list of electors thus came into force on the.....day of the month of....., nineteen hundred and.....being the thirtieth day after the (*date of the publication of the notice required by article 123, or, as the case may be.*)

Given under my hand, at....., this.....day of the month of.....19...

(*Signature*)..... P. P.,
Clerk.

E

(*Articles 59 and 159*)

COMMISSION OF AN ELECTION-CLERK

To E. F., (*occupation and residence.*)

Know you that, in my capacity of returning-officer for the city of....., (*or the town of....., or..... ward of the city of....., or town of..... as the case may be*), I have appointed and do hereby appoint you to be my election-clerk, to act in that capacity according to law, at the approaching election for this city (*or town or ward as the case may be,*) which election will be opened by me on the.....day of the month of.....19....

Given under my hand, at....., this.....day of the month of....., in the year 19.....

(*Signature*) A. B.,
Returning-officer.

F

(Article 160)

OATH OF ELECTION-CLERK

I, the undersigned, E. F., appointed election-clerk for the city of.....(or town of.....or.....ward of the city of.....or town of.....as the case may be), solemnly swear (or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity as election-clerk, and also that of returning-officer if required to act as such, according to law without partiality, fear, favor, or affection : So help me God.

(Signature)

E. F.

Election-clerk.

CERTIFICATE OF THE ELECTION-CLERK HAVING TAKEN THE OATH
OF OFFICE

I, the undersigned, hereby certify that on the..... day of the month of....., 19...., E. F., election-clerk for the city of.....(or town of.....or.....ward of the city of.....or town of.....as the case may be), took and subscribed before me the oath (or affirmation, as the case may be), of office required in such case of an election-clerk, by the *Cities and Towns' Act*, 1903, article 160.

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.

G

(Article 163)

NOTICE OF THE RETURNING-OFFICER

Declaring the time and place for the nomination of candidates, the day for opening the poll, and the appointment of the election-clerk.

NOTICE

City of.....(or town of.....as the case may be)

to wit :

I give notice to the electors of the city of.....(or town of.....or.....ward of the city of.....or town of.....as the case may be).....that the nomination of candidates for the office of mayor and alderman for the said city of.....(or town of....., or as the case may be) shall be held at (describe the place where the nomination is to take place) in the city of.....(or town of.....as the case may be,) on the.....day of the month of.....in the year 19 , from noon until two of the clock in the afternoon, and that, in case a poll become necessary and be held in the manner by law prescribed, such poll will be opened on the.....day of the month of.....in the year 19....., from the hour of seven in the morning till five of the clock in the afternoon, in each of the voting subdivisions ;

And that I have appointed (name, occupation and residence) as my election-clerk.

Given under my hand, at....., this.....day of the month of....., in the year 19.....

(Signature)

A. B.

Returning-officer.

II

(Articles 166 and 168)

NOMINATION PAPER FOR THE ELECTION OF MAYOR

We, the undersigned, qualified to vote at the municipal election in the city of.....(or town of..... as the case may be) hereby nominate..... No..... street, as candidate at the election to be held in the city of.....(or town of..... as the case may be) of mayor of the said city (or town as the case may be.)

In witness whereof, we have signed at....., this day of19...

Names.	Occupation.	Qualification. (Giving the elect-oral franchise.)	Residence.

Signed by the said electors in }
presence of }
(Signature)

I, the saidnominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at,....., this.....day of.....19...

(Signature).....

Signed by the said..... }
in presence of..... }
(Signature).....



H. 1

(Articles 166 and 168)

NOMINATION PAPER

City of.....(or town of.....as the case may be)
 Ward
 Seat No.....

We, the undersigned, electors of.....ward, in the city of....., (or town of.....as the case may be) do hereby nominate.....No..... street, as a candidate at the election for the office of alderman, seat No....., for the said ward of the city of..... (or town of.....as the case may be).

In witness whereof, we have signed at....., this day of.....19...

Names.	Occupation.	Qualification. (Giving the electoral franchise.)	Residence.

Signed by the said electors in }
 presence of..... }
 (Signature)..... }

I, the said.....nominated in the foregoing nomination paper, hereby consent to such nomination.
 Witness my hand at,....., this.....day of.....19...

(Signature)..... ..

Signed by the said..... }
 in presence of..... }
 (Signature)..... }

I

(Article 171)

OATH OF ATTESTATION OF THE NOMINATION PAPER AND OF THE
CONSENT OF THE CANDIDATE FOR THE OFFICE OF MAYOR

I.....of the city of.....(or town of
.....as the case may be) solemnly swear (or affirm) that
I know

and that they are duly qualified to vote at the election of
mayor of the city of (or town of.....
as the case may be) about to be held and that they respectively
signed the foregoing nomination paper with their signa-
tures in my presence, and further that I know the said.....
.....thereby nominated, and that
he signed his consent to the nomination in my presence.

Sworn (or affirmed,) before me }
at.....this..... } (Signature)
day of.....19..... }

(Signature)

I. 1

(Article 171)

OATH OF ATTESTATION OF THE NOMINATION PAPER AND CONSENT
OF THE CANDIDATE FOR THE OFFICE OF ALDERMAN

I,.....of the city of.....(or
town ofas the case may be), solemnly swear
(or affirm) that I know

and that they are entered on the list of electors in force for
.....ward of the city of(or town
of.....as the case may be); and that they have
respectively signed the above nomination paper with their
signatures in my presence ; and further that I know the
said....., the candidate mentioned therein,
and that he signed his consent to such nomination in my
presence.

Sworn (or affirmed) }
before me at.....this..... } (Signature)
.....day of.....19 . }

(Signature)

K

(Article 180)

NOTICE OF POLLING AND OF CANDIDATES NOMINATED AND OF THE
COUNTING OF THE VOTES

NOTICE

City of.....(or town of.....as the case may be)

Public notice is hereby given that a poll is necessary for the election now pending for the city of.....
(or the town of.....or.....wards of the city of.....or town of.....as the case may be) and that such poll shall be in consequence opened on the ; and, further, the persons duly nominated as candidates at such election, and for whom alone votes shall be received, are :

Election of Mayor

1. JEAN BUREAU, of the city of Montreal, 10, La Fontaine street, merchant.
2. JOSEPH MEUNIER, of the city of Montreal, 1063, Notre-Dame street, physician.
3. ANTOINE RICHARD, of the city of Montreal, 20, St. Denis street, merchant.
4. JOSEPH RICHARD, of the city of Montreal, 506, Sherbrooke street, advocate.

Election of Aldermen

Ward No.....

PAUL ADAMS of the city of Montreal, 30, DeMontigny street, merchant.

LOUIS BELIVEAU, of the city of Montreal, 15, Peel street, advocate.

(And so continuing for the other wards in which a poll is to be held).

The counting of the votes and the proclamation of the candidate (or candidates) elected shall be made at..... o'clock A. M., at my office, at.....

Of all of which all persons interested are hereby required to take notice and govern themselves accordingly.

Given under my hand, at....., this....., day of....., 19...

(Signature)

A. B.
Returning-officer.

L

(Article 180)

COMMISSION OF A DEPUTY RETURNING-OFFICER

To G. H. (*occupation and residence*)

Know you that, in my capacity of returning-officer, I have appointed and do hereby appoint you to be deputy returning-officer for the voting subdivision in the city of

(*or town of* _____, *or*

as the case may be), there to take the votes of the electors by ballot, according to law, at the poll to be by you opened and held for that purpose ; and you are hereby authorized and required to open and hold the poll for such election, for the said voting subdivision, on the..... day of the month of.....instant (*or next*) at seven of the clock in the forenoon, at (*detailed description of the place where the poll must be held,*) and there hold such poll during the hours required by law, and there take by ballot, in the manner by law provided, the votes of the electors voting at the said poll, and, after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot-box, sealed with your seal, and enclosing the ballots, list of electors, and other documents required by law, together with this commission.

Given under my hand, at.....this..... day of the month of..... in the year 19....

(*Signature*)

A. B.,
Returning-officer.

M

(Article 180)

OATH OF DEPUTY RETURNING-OFFICER

I, the undersigned, G. H., appointed deputy returning-officer for the voting subdivision of.....ward of the city of.....(*or of the town of*..... *as the case may be*) solemnly swear, (*or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I will act faithfully in my said capacity, without partiality, fear, favor or affection : So help me God.

(*Signature*)

G. H.,
Deputy Returning-officer.

CERTIFICATE OF A DEPUTY RETURNING-OFFICER HAVING TAKEN
THE OATH OF OFFICE

I, the undersigned, C. D., hereby certify that on the..... day of the month of..... 19 , G. H., deputy returning-officer for the voting subdivision of..... ward of the city of.....(or of the town of..... as the case may be), took and subscribed before me the oath (or affirmation, as the case may be) of office required in such case of a deputy returning-officer by the *Cities and Towns' Act, 1903*, article 180.

(Signature) C. D.,
Justice of the Peace.

or A. B.,
Returning-officer.

N

(Article 180)

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING

The elector is to vote for one candidate only.

The elector enters into one of the compartments, and, with a pencil there provided, places a cross opposite the name of the candidate for whom he votes.

The elector will then fold the ballot so as to show a portion of the back only, and also in such manner as to permit the counterfoil to be detached without unfolding the ballot paper; he will then deliver the ballot paper so folded to the deputy returning-officer, who will place it in the ballot-box, after having detached the counterfoil. The elector shall then forthwith quit the poll.

If an elector inadvertently spoils a ballot paper, he may return it to the proper officer, who, on being satisfied of the fact, will give him another.

If the elector votes for more than one candidate, or places any mark on the ballot-paper, by which he can be afterwards identified, his vote shall be void and shall not be counted.

O

(Article 184)

COMMISSION OF A POLL-CLERK

To I. J., (*occupation and residence*)

Know you that, in my capacity of deputy returning-officer for the voting subdivision of.....ward of the city of..... (or town of.....*as the case may be*), I have appointed and hereby appoint you to be poll-clerk for the said voting subdivision.....

Given under my hand, at....., this..... day of the month of in the year 19 .

(Signature)

G. H.,

Deputy Returning-officer.

P

(Article 184)

OATH OF A POLL-CLERK

I, the undersigned, I. J., appointed poll-clerk for the voting subdivision of.....in..... ward of the city of.....(or town of.....*as the case may be*) do solemnly swear (or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that I will act in my said capacity of poll-clerk, and also that of deputy returning-officer, if required to act as such, according to law, faithfully, without partiality, fear, favor, or affection: So help me God.

(Signature)

I. J.,
Poll-clerk.

CERTIFICATE OF THE POLL-CLERK HAVING TAKEN THE OATH

I, the undersigned, C. D., hereby certify, that on the..... day of the month of....., 19....., I. J., poll-clerk for the voting subdivision of.....ward of the city of.....(or town of.....as the case may be), took and subscribed before me the oath (or affirmation, as the case may be), of office required of a poll-clerk, in such case, by the *Cities and Towns' Act, 1903*, article 184.

(Signature) C. D.,
Justice of the Peace.

or, A. B.,
Returning-officer.

or, G. H.
Deputy Returning-officer.

Q

(Article 187)

COMMISSION OF A POLL-CLERK, BY POLL-CLERK ACTING AS DEPUTY RETURNING-OFFICER

To....., of (*occupation and residence*)

Know you that, in my capacity of acting deputy returning-officer for the voting subdivision of.....ward of the city of.....(or town of.....as the case may be), in consequence of the decease, (or incapacity to act, as the case may be) of the deputy returning-officer for the said voting subdivision, whose poll-clerk I was, I have appointed and do hereby appoint you to be a poll-clerk for the said poll.

Given under my hand, at.....this.....day of....., in the year, 19.....

(Signature) I. J.,
Poll-clerk, acting as Deputy Returning-officer.

The oath and certificate of its having been taken will be the same as in the case of a Poll-clerk appointed by the Deputy Returning-officer.

R

(Article 191)

BALLOT-PAPER

Election for mayor of the city of.....(or of the town of, as the case may be,) or for alderman No. 1 (or, as the case may be,) of.....ward, of the city of.....(or town of, as the case may be)	1	BUREAU (Jean Bureau, of the city of Montreal, 10, La Fontaine street, merchant.)	
	2	MEUNIER (Joseph Meunier, of the city of Montreal, 1063, Notre-Dame street physician.)	
	3	RICHARD (Antoine Richard, of the city of Montreal, 20, St. Denis street, merchant.)	X
	4	RICHARD (Joseph Richard, of the city of Montreal, 506, Sherbrooke street, advocate.)	



COUNTERFOIL

No.

The Initials of the Deputy Returning-officer should be placed here.

The name of the Printer is printed here.

The ballot paper to be perforated by a line of points, along the line of black dots to facilitate the detaching thereof from the counterfoil.

The names of the candidates are entered in the ballot paper as in the nomination paper.

There is to be no margin on the left of the ballot paper.

The elector is supposed to have marked his ballot paper in favor of Antoine Richard.

S

(Article 201)

OATH OF AGENT OF A CANDIDATE, OR OF ELECTOR
REPRESENTING 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..... solemnly swear (or, if one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will keep secret the names of the candidates for whom any of the voters, at the poll in the voting subdivisionin the city of..... (or town of.....as the case may be), may have marked his ballot paper in my presence, at this election : So help me God.

Sworn (or affirmed) before me,)
at....., this.....day of) (Signature) G. H.
....., 19....

(Signature) A. B.

Deputy Returning-officer.

or C. P.

Justice of the Peace.

T

(Article 203)

OATH BY DEPUTY RETURNING-OFFICER, POLL-CLERK OR AGENT
WISHING TO VOTE

I, G. H., of....., deputy returning-officer (or poll-clerk, or agent for J. K., one of the candidates at the election now being held for the city of..... (or the town of..... or ward of the city of..... or town of..... as the case may be), swear (or solemnly affirm), that I am actually entitled to vote for the mayor of the city of..... (or town of..... as the case may be) or of an alderman for..... ward of the city of..... (or town of..... or, as the case may be)

That I have not voted before at this election in the municipality for the election of mayor, nor in this ward for the election of an alderman ;

That I have not received anything, nor has anything been promised me, directly or indirectly, either to induce me to vote or to refrain from voting at this election, or for loss of time, travelling expenses, hire of team or for any other service connected therewith ;

That I have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help me God.

Sworn (or affirmed) before me, }
at , thisday } (Signature) G. H.
of.....19...

(Signature) A. B.,
Returning-officer

or C. D.,
Justice of the Peace.

U

FORM MENTIONED IN ARTICLE 206.

Poll-Book.

	Number of the voters.
	NAMES OF THE VOTERS.
	Their occupation.
	Their place of residence.
	Owners.
	Tenants or occupants.
	Objections.
	Sworn or affirmed.
*	Voters refusing to take the oath or affirmation.
	Votes given.
	Electors voting after others had voted in their names.
	Ballot-papers prepared with the aid of the deputy returning-officer.
	General remarks.

V

*(Article 215)*OATH OF IDENTIFY BY VOTER RECEIVING A BALLOT PAPER,
AFTER ANOTHER HAS VOTED IN HIS NAME

You swear (*or solemnly affirm*) that you are (*name*), of (*as on the list of electors*) whose name is entered on the list of electors now shown you. So help you God.

W

(Article 216)

OATH OF ELECTOR UNABLE TO MARK HIS BALLOT PAPER

You swear (*or solemnly affirm*) that you are unable to read and to understand the ballot paper so as to mark it, (*or that you are incapacitated by blindness or other physical cause, as the case may be*), from voting without assistance. So help you God.

X

*(Article 228)*OATH OF THE DEPUTY RETURNING-OFFICER AFTER THE CLOSING
OF THE POLL

I, the undersigned, deputy returning-officer for the voting subdivision of....., in.....ward of the city of..... (*or of the town of....., as the case may be*), do solemnly swear (*or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm*), that, to the best of my knowledge and belief, the poll-book kept for such voting subdivision, under my direction, has been so kept correctly; and that the total number of votes polled 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 voting subdivision, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packets of ballot-papers, and other documents required by law to be returned by me to the returning-officer, have been faithfully and truly pre-

pared and placed within the ballot-box, as this oath (or affirmation) will be, to the end that the said ballot-box, being first carefully sealed with my seal, be transmitted to the returning-officer according to law.

Sworn (or affirmed) and signed } (Signature) G. H.,
before me, at.....this..... } Deputy Returning-officer.
day of....., 19...

(Signature) X. Y.,
Justice of the Peace.

or, A. B.,
Returning-officer.

or, I. J.,
Poll-clerk.

Y

(Article 228)

OATH OF THE POLL-CLERK AFTER THE CLOSING OF THE POLL

I, the undersigned, poll-clerk for the voting subdivision of.....ward of the city of.....(or town of....., as the case may be), do solemnly swear (or, if one of the persons permitted by law to affirm in civil cases, do solemnly affirm), that the poll-book in and for this voting subdivision, 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 poll-book is.....; and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this voting subdivision, as the votes were taken at this poll by the deputy returning-officer.

Sworn (or affirmed) and signed } (Signature) I. J.,
before me, at.....this..... } Poll-clerk.
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.

Z

(Article 228)

STATEMENT OF THE POLL, AFTER COUNTING THE BALLOTS

Polling Division No......
Ward of the city of.....(or town of
*as the case may be.*

Number of Ballot Papers received from the Returning-officer.....		
Number of Ballot Papers cast for.....		
“ “ “		
“ “ “		
“ “ “		
“ “ “		
“ “ spoiled.....		
“ “ rejected.....		
“ “ not used and returned.....		
Totals		

I hereby certify that the above statement is correct.

Given under my hand, at....., this.....
 day of the month of....., 19 .

(Signature)

G. H.,
 Deputy Returning-officer.

AA

(Article 228)

CERTIFICATE TO BE DELIVERED TO CANDIDATES, &c.

I, the undersigned, deputy returning-officer for polling division No....., in the..... ward of the city of(or town of.....as the case may be), hereby certify that, at the election held this day of mayor for the city of.....(or town of.....as the case may be) or of an alderman for.....ward of the city of..... (or town of.....as the case may be), the hereinafter mentioned candidates received the number of votes set opposite their respective names, viz :

NAMES OF CANDIDATES.	NUMBER OF VOTES.
.....
.....
.....
.....
.....
.....
.....

and also that.....ballot papers were rejected.

Given under my hand, at....., this..... day of the month of....., 19 .

(Signature)

G. H.,
Deputy Returning-officer.

BB

(Article 228)

OATH OF MESSENGER SENT TO COLLECT THE BALLOT-BOXES

I, J. B., of....., messenger appointed by A. B., returning-officer for the city of.....(or town of..... as the case may be) do solemnly swear (or affirm, as the case may be) that the several ballot-boxes, to the number of....., now delivered by me to such returning-officer, have been handed to me by the several deputy returning-officers at the present election for this city (or town as the case may be) (or by, here insert the names of the deputy returning-officers who have delivered said boxes) ; that they

have not been opened by me, nor by any other person, and that they are in the same state as they were when they came into my possession.

(Should any change have taken place, the deponent shall vary his deposition by fully setting forth the circumstances.)

Sworn (or affirmed) and signed }
 before me, at.....this..... } (Signature) J. B.
 day of....., in the }
 year 19 .

(Signature) X. Y.,
 Justice of the Peace.

or A. B.
 Returning-officer.

or G. H.,
 Deputy Returning-officer.

CC

(Article 236)

CERTIFICATE OF ELECTION

1.—*In the case of the election of a mayor*

I hereby certify that the mayor elected for the city of (or town of.....as the case may be) as having received the majority of votes lawfully given, is C. D., etc., (names, etc., as in nomination paper.)

Given under my hand, at....., this..... day of the month of....., 19 .

(Signature) A. B.,
 Returning-officer.

2.—*In the case of the election of an alderman*

I hereby certify that the alderman elected for seat No. for.....ward of the city of.....(or town of.....as the case may be) as having received the majority of votes lawfully given, is F. G., (names, etc., as in the nomination paper.)

Given under my hand, at....., this..... day of the month of....., 19 .

(Signature) A. B.,
 Returning-officer.

DD

(Article 278)

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.

Sworn before me, at }
this day of the } (Signature) M. N.
month of , 19 ,

(Signature) P.S.,
Justice of the Peace.

EE

(Article 280)

INFORMATION FOR PERSONATION

Canada, }
Province of Quebec, }
District of

The information of P. Q., of.....taken this day of.....in the year....., before the undersigned, a deputy returning-officer at a polling station in..... ward of the city of.....(or town of.....as the case may be) for a municipal election being held.

The said informant says that he believes that T. U. (or that a person whose name is to the informant unknown but who is now detained in the said polling station under the order of the deputy returning-officer, (or as the case may be) on this day at the said polling place did commit the offence of personation by (describing the offence.)

Taken and sworn before me at }
the said polling station, the day } (Signature) P. Q.
and year above mentioned.

(Signature) G. H.,
Deputy Returning-officer.

FF

(Article 280)

WARRANT FOR ARREST OF A PERSON CHARGED WITH
PERSONATION

Canada, }
Province of Quebec, }
District of }

To all or any of the constables and other peace officers in the district of

Whereas, before the undersigned, a deputy returning-officer at a polling station in.....ward of the city of.....(or town of.....as the case may be) for a municipal election being held, T. U., of..... (or as the case may be) has this day been charged upon oath with having committed the offence of personation on this day and at the said polling place by (describing the offence.)

These are therefore to command you in His Majesty's name forthwith to apprehend the said T. U., and to bring him before.....to answer unto the said charge and to be further dealt with according to law.

Given under my hand, under *The Cities and Towns' Act*, 1903, at....., this.....day of.....in the year 19...

(Signature) G. H.,
Deputy Returning-officer.

