

stores, to wit an additional tax of ten per cent. on the rental of departmental stores for every kind of business carried on therein during the year ;

That the corporation of the city of Montreal consents to such amendment ;

Whereas it is expedient to grant the prayer of the petitioners ;

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

1. Article 363 of the act 62 Victoria, chapter 58, is 62 V., c. 58, amended by adding, before the last clause, the following : art. 363, amended.

“ An additional special tax, not exceeding five per cent. of the yearly value, according to the valuation of the entire premises in which departmental stores are established and carried on, may also be imposed and levied by by-law on such persons, companies or corporations, for each and every separate branch of trade or business established or carried on in such departmental stores. Special tax upon departmental stores.

The council may by by-law classify and define the various kinds of trade and business carried on in such departmental stores for the purpose of imposing such tax.

2. This act shall only apply to the city of Montreal.

Application  
of act.

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

Coming into  
force.

## CHAP. 44

An Act to consolidate and amend the charter of the city of Three Rivers.

[Assented to 28th March, 1901]

**WHEREAS** the corporation of the city of Three Rivers has, Preamble.  
by petition, represented that it is expedient to amend and consolidate the provisions of the various acts of the Legislature of the Province of Quebec, concerning the corporation of the city of Three Rivers, and it is expedient to grant its prayer ;

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

## SECTION I

## INTERPRETATIVE PROVISIONS

- Interpretation.** **1.** Whenever the following words occur in this act, they shall, unless the context otherwise requires, be understood as follows :
- City.** **Corporation.** (a) The word "city," and the word "corporation," shall mean the city of Three Rivers, and as in the various acts of the Legislature and elsewhere, the city of Three Rivers is designated in the French version thereof, under the name of "*Cité de Trois-Rivières*," such designation shall be legal ;
- Council.** (b) The word "council" shall mean the council of the city of Three Rivers ;
- Mayor.** (c) The word "mayor" shall mean the mayor in office or the acting mayor of the city of Three Rivers and the word "aldermen" shall mean the aldermen of the said city ;
- Clerk.** **Treasurer.** **Secretary-treasurer.** (d) The words "clerk" and "treasurer," or "secretary-treasurer", shall mean the clerk and treasurer, or the secretary-treasurer of the city of Three Rivers, whether the office of clerk and that of treasurer or that of secretary-treasurer be filled by two persons or by one and the same person ;
- Rate-payer.** (e) The words "rate-payer" shall mean any person liable to the payment to the city of Three Rivers of any assessment or tax ;
- Municipal tax or taxes.** (f) The words "municipal tax or taxes", shall mean and include all taxes and contributions in money imposed by the council of the city of Three Rivers, including the taxes for water, drainage and paving of the streets under control ;
- Proprietor.** (g) The word "proprietor" shall mean any person who possesses immoveable property in his own name, or in that of his wife, as proprietor, as usufructuary, or as institute in cases of substitution ;
- Tenant.** (h) The word "tenant" shall mean any person bound to pay rent in money or to give part of the fruits or revenues of the immoveable which he occupies.
- Title of act.** **2.** This act shall be cited as the "Charter of the city of Three Rivers, 1901."

## SECTION II

## INCORPORATION

- Inhabitants incorporated.** **3.** The inhabitants and rate-payers of the city of Three Rivers shall continue to form a municipal corporation under the name of "The corporation of the city of Three Rivers,"

which shall, as such, have a common seal and shall enjoy all the ordinary powers of municipal corporations, and those specially conferred on it by this act. It shall continue to have power to accept, take, purchase, and hold goods and chattels, lands, tenements, moveables and immoveables. and to grant, sell, alienate, assign, and convey the same; and to grant, and accept bonds, or other instruments or securities, for the payment of any money due by, or to it; and to appear before the courts and put in operation all other powers that may be necessary for the just and proper fulfilment and performance of its obligations and functions.

Name, seal  
and general  
powers.

### SECTION III

#### BOUNDARIES OF THE CITY

4. The city of Three Rivers shall be bounded as follows, to wit: Boundaries  
of the city.

In front by the River St. Lawrence; in rear by a line parallel to the general course of the said river, at a distance of one hundred and sixty chains from the west point of the mouth of the river St. Maurice; on the east side by the east bank of the said river St. Maurice; and on the west side by a line at right angles to the said rear line, commencing from a point thereon, at a distance of one hundred and sixty chains from the west bank of the said river St. Maurice, until it reaches the said river St. Lawrence, including the islands in the river St. Maurice, within the said limits.

5. The city of Three Rivers shall be divided into four wards which shall respectively be known as: St. Philip Ward, St. Louis Ward, Ste. Ursule Ward and Notre-Dame Ward, and the said wards shall be bounded as follows: Division into  
wards.

*St. Philip Ward.*—St. Philip Ward shall be bounded in front by the River St. Lawrence; on the south-west and rear by the city limits; on the north-east by the rear line of the lots on the north-east side of Bell street and St. George street as far as Bolvin street, and thence by the said Bolvin street to DesForges street and by the said DesForges street to Ste. Marguerite road to the point where the said road is intersected by the line dividing the common from the property of J. N. Bureau, esquire, and thence along the said line prolonged to the north-western limits of the said city. St. Philip  
Ward.

*St. Louis Ward.*—St. Louis Ward shall be bounded in front by the River St. Lawrence; on the south-west by the Philip Ward; in rear by the city limits; and on the north-east by a line starting from the river St. Lawrence passing by the centre of Barracks' street and Bonaventure street and St. Louis  
Ward.

by the street running along the cemetery on the north-east, and thence following a line which would be the prolongation of the said street, to the north-western limits of the said city.

Ste. Ursule Ward.

*Ste. Ursule Ward.*—Ste. Ursule Ward shall also be bounded in front by the River St. Lawrence; on the south-west by St. Louis Ward; on the north-west by a line passing along the middle of Royal street from Bonaventure street to Deschamps streets, by the rear line of the lots to the north-west of Haut Boc street, and by a line passing along the middle of Commissioners' street and continuing in a straight line to the east bank of the River St. Maurice.

Notre-Dame Ward

*Notre-Dame Ward.*—Notre-Dame Ward shall be bounded on the south-west by St. Louis Ward; on the north-west and north-east by the city limits; and on the south east by St. Ursule Ward.

#### SECTION IV

##### MUNICIPAL ELECTIONS

City how governed.

**6.** The city of Three Rivers is represented and governed, and its affairs are administered by an elective council consisting of the mayor and twelve aldermen, three of whom shall sit for each of the said wards of the city.

Qualification of mayor and aldermen.

**7.** No person shall be capable of being elected mayor, or alderman of the city of Three Rivers, unless he is a British subject, of the full age of twenty-one years, unless he can read and write, and unless he has, under the provisions of this act, the right of voting at such election.

Persons who cannot be mayor or alderman.

**8.** The following persons shall likewise be ineligible as mayor or aldermen :

Persons being in Holy Orders or the ministers of any religious belief whatever ; judges, officers on full pay in His Majesty's army or navy ; persons accountable for the revenues of the said city, or receiving any allowance from the city for their services ; officers or persons presiding at the election of the mayor or aldermen while so employed ; persons having in person or through their partners any contract or agreement whatever, or interest in any contract or agreement with the city, and persons convicted of treason or guilty of an offence punishable by an imprisonment of two years or more before a court of justice.

Persons exempt from municipal office.

**9.** The following persons shall not be obliged to accept the office of mayor or alderman, nor any other municipal office, to wit : members of the Privy Council and members

of the Executive Council, members of the Provincial Legislature, practising physicians, surgeons and apothecaries ; school-masters actually engaged in teaching ; branch pilots ; persons over sixty years of age, and the members of the council of the said city, who have been in office within the two years next preceding.

**10.** No person can be validly nominated or elected mayor of the city of Three Rivers or fill such office unless he shall have resided and held his principal place of business within the said city for one year immediately preceding such election, nor unless he is possessed as owner of real estate in his own name or in the name of his wife, within the said city, of the value of two thousand dollars, over and above all hypothecary debts. Further qualification of mayor.

**11.** No person shall be capable of being elected alderman of the city of Three Rivers or fill such office, unless he shall have resided and held his principal place of business within the said city for one year immediately preceding such election, nor unless he is possessed, as owner, in his own name or in the name of his wife, of real estate, within the said city of the value of twelve hundred dollars, over and above all hypothecary debts. Further qualification of alderman.

**12.** From and after the year 1902, the municipal elections for the city of Three Rivers, shall be held on the second Monday in July of each year, or if the said day be a holiday on the following juridical day, and public notice thereof shall be given at least eight days previous in the French and English languages, in one or more newspapers published in the said city, and shall also be posted up in the most frequented places mentioned in the by-law. Such notice shall be signed by the city-clerk, or by the member of the council who shall have been appointed to preside at the said elections, as provided in this charter, and the notice shall specify the day, place and hour of the nomination of the candidates at the said elections. Date for holding municipal elections and notice thereof.

**13.** At least one month previous to the date of the elections, the council shall appoint one of its members to preside thereat, chosen among those who are to remain in office during the following year, and the latter shall, within eight days from his appointment, appoint an assistant to replace him and exercise all his powers in the event of his absence, illness or of his being prevented in any other manner from acting. Signature to and contents of notice. President of elections. Assistant.

## SECTION V

## LIST OF ELECTORS

Preparation  
of list of  
electors.

Attestation  
and deposit  
thereof.

Notice of such  
deposit.

Complaints  
to be decided  
by committee.

When com-  
plaints to be  
disposed of  
and list re-  
vised, &c.

Certified  
copies of list  
to be trans-  
mitted to  
presiding offi-  
cer.

Appeal to  
Superior  
Court.

Correction of  
list after  
judgment.

**14.** At least thirty days before the date of the elections, the city-clerk shall draw up an alphabetical list of the persons who, according to the valuation roll in force, are qualified as electors in the city under this charter. He shall attest such list under oath and give notice in one or more newspapers of the city that he has deposited it in his office for examination by interested parties. Every complaint against the said list shall be filed in the hands of the city-clerk during the six days following the said public notice, and shall be heard and determined by the committee appointed by the council, and consisting of three of its members chosen from among those whose term of office does not expire at the following election. Such committee shall, within eight clear days from the time allowed for receiving complaints, dispose of all the said complaints and revise and correct the list if necessary; and if there be no notice of appeal to the Superior Court from such list as revised and corrected, the city-clerk shall, within the two following days, draw up and deliver to the officer presiding over the election, certified copies of the list so revised and corrected for use at each poll; and no other person than those whose names are entered on such list shall have the right to vote at such elections.

**15.** If any person claim to be injuriously affected by the said list as corrected and revised, he shall give to the city-clerk and to the interested parties notice of appeal to the Superior Court within the two days aforesaid, and the Superior Court shall summarily decide upon the petition in appeal within six days from the notice; and within the same delay if possible, if not on the following juridical day, a copy of the judgment shall be served upon the city-clerk at the diligence of the party interested, in default of which the list, as corrected and revised by the committee of the council, shall be sent by the clerk to the presiding officer of the election, and shall serve for such election.

**16.** If the judgment effects any change in the list as revised and corrected by the committee of the council, the clerk shall make the corrections ordered therein by the judgment, and shall give a certified copy to the presiding officer at the election within two days from the service of the judgment.

**17.** It shall be the duty of the council to see that the electoral lists are prepared, revised, corrected and sent as prescribed by the foregoing provisions in the charter; and in the event of the city-clerk not having prepared the said lists and having sent them to the officer presiding over the election within the time above prescribed, he shall be liable to a fine of one hundred dollars recoverable by any elector of the city before a competent civil court. On the other hand, if the members of the committee appointed by the council for the revision of the said electoral lists, or two of them, do not proceed to hear and dispose of the complaints against such lists within the prescribed delay, they shall be liable to a fine not exceeding twenty dollars, recoverable before the said court by any elector who shall have laid the complaint under the provisions of the present act against the said lists, or any one of them.

Council to revise lists, &c.

Default of city-clerk.

Penalty.

Penalty against members of council if they do not hear and dispose of complaints.

**18.** If, at the time of a municipal election for each of the wards of the city, no electoral list has been prepared or revised for the city, or if such list has not been sent to the proper person, as above prescribed, the election shall in such case be held on the lists used in the previous election, but the electors who shall vote at such election must possess the electoral qualifications required by this act.

If there is no electoral list.

**19.** No person can be a municipal elector of the city of Three Rivers, and as such be entitled to vote at the elections, unless he be of full age and of the male sex, and moreover, unless :

Persons entitled to vote:

1. According to the valuation roll in force he is at the time the list is made *bona fide* proprietor in his own name or in the name of his wife or usufructuary or occupant of real estate valued on the valuation roll of the city of at least two hundred dollars.

Proprietor ;

If the real estate belongs undividedly to several proprietors, each one is entitled to a vote for his share, provided the proportion of the assessed value of the real estate corresponding to his share, amounts to a sum sufficient to qualify him as an elector under this provision ;

Co-proprietor ;

2. Or unless he is at the same time in possession as tenant of immoveable property, have had his domicile, and paid in the city during the year immediately preceding the election a rent of at least twenty-four dollars per annum for a house or part of a house, as shewn on the valuation or assessment roll, or on the collection roll of the city.

Tenants ;

In the case of several joint tenants each one shall be entitled to a vote, provided the proportion of the amount of the assessed and stipulated rent corresponding to his share, amounts to a sum sufficient to qualify him under the present provision.

Jointtenants.

Taxes to have  
been pre-  
viously paid.

3. He must, in addition to the above qualification, have paid at least forty days before the date fixed for the election, all the municipal and school taxes and assessments due and exigible ;

Roll to be  
conclusive  
proof.

4. The valuation roll shall be conclusive proof only as regards the value of the property.

#### SECTION VI

#### NOMINATION OF CANDIDATES AND PRELIMINARIES OF THE VOTING

Term of office  
of mayor.

**20.** The mayor of the city shall be elected for two years.

Term of office  
of aldermen.

**21.** The aldermen shall be elected for three years, but the election of four aldermen only out of the twelve shall take place each year, one for each ward in rotation, counting from the time when the occupants go out of office.

Election by  
ballot.  
Present mem-  
bers of coun-  
cil.

The elections of mayor and aldermen shall be by ballot.

The members of the present council shall continue in their respective offices until the expiration of their term of office.

Nomination  
of candidates  
to the office  
of mayor or  
alderman.

**22.** The nomination of candidates for the office of mayor or alderman shall take place on the first Monday of July, or on the following juridical day if such Monday be a non-juridical day, by means of a nomination-paper made out according to form C annexed to this act. The nomination-papers shall be handed to the city-clerk at his office before four o'clock in the afternoon of the day fixed for the nomination, and the said city-clerk shall give a receipt for each nomination-paper, according to form D annexed to this act.

Nomination-  
paper for  
mayor.

**23.** Each nomination-paper for the office of mayor shall be signed by at least twenty-five electors qualified to vote.

Nomination-  
paper for  
aldermen.

**24.** Each nomination-paper for the office of alderman shall be signed by at least fifteen electors qualified to vote in the ward for which he is a candidate.

Duty of pre-  
siding officer  
if there is only  
the required  
number of  
candidates.

**25.** At the expiration of the delay fixed for the nomination of candidates for the office of alderman, the city-clerk shall immediately report the nomination-papers to the presiding officer, and if in any ward there be but one candidate nominated as alderman for such ward it shall be the duty of the presiding officer to proclaim such candidate or candidates elected on the first juridical day following, at ten o'clock in the morning at the door of the city-hall. Upon the report of the city-clerk that only one candidate was nominated for



mayor, it shall be the duty of the presiding officer to proclaim such candidate elected, on the first juridical day following, at the hour of ten in the morning, at the door of the city-hall.

**26.** If more candidates are nominated in one or more wards of the city for any of the said offices than are required, it shall be the duty of the presiding officer to order a poll, and he shall announce the same within twenty-four hours by notices posted up in the public places of the city, stating the names of the candidates, the office for which they present themselves, the date and hour of the poll, the place fixed for each of the polls, and the district belonging to each of such polls.

If several persons are nominated poll to be ordered.

**27.** If there be a contestation in one or more wards the presiding officer shall also immediately appoint a deputy presiding officer for each poll ordered in the city, and each of such deputies shall in his turn immediately appoint, by commission under his signature and according to form A annexed to this act, a competent person to assist him in the performance of the duties as poll-clerk. The said two officers, if they are electors, shall be chosen from the voting district in which they have the right to vote.

Appointment of deputy presiding officer in cases of contestation, &c.

**28.** It shall be the duty of the presiding officer at the election, to see that the number of electors does not exceed three hundred and fifty for each poll, and shall order such number of polls in the city as may be necessary to that end.

Number of electors for each poll.

**29.** It shall be the duty of the presiding officer to deliver, in due time before the polling day, to each of his deputy-presiding officers, a certified copy of the list of electors entitled to vote at the poll for which he is appointed, as well as a ballot-box for receiving the votes.

Copies of list of electors to be given to deputy presiding officers and also a ballot-box.

Such ballot-box shall be made of durable material, with lock and key, and a slit or narrow opening in the top, so constructed that the ballot-papers cannot be withdrawn therefrom without opening the box.

How ballot-box to be made.

The presiding officer shall also furnish the deputy-presiding officer of each ward with a sufficient number of ballot-papers for the use of voters, and with the necessary pencils to mark them.

Ballot-papers to be supplied.

**30.** The ballot-paper shall be a printed paper, with an annex, according to form E or any other selected by the council, specifying the names of the candidates and their description as entered on their nomination-papers alphabetically arranged.

Form of ballot-papers.

Color of ballot-paper.

The ballot-papers for the election of mayor shall be printed on white paper, and those for the election of an alderman on red paper.

Printed directions for voting also to be supplied.

**31.** The presiding officer shall also give each of his deputies at least ten copies of the printed directions for the guidance of electors in voting, and a certain number of these copies shall be posted up, before the opening of the poll, in some conspicuous place outside the poll, and also in each compartment of the poll.

Oath of presiding officer, &c., and of deputy-presiding officer.

**32.** Before taking any proceedings in connection with the elections, the presiding officer with his assistant and deputies shall take the following oath before a justice of the peace :

" I solemnly swear in my capacity of presiding officer (assistant or deputy, *as the case may be*), to faithfully and impartially perform all the duties of my office in connection with this election. So help me God."

Oath of poll-clerks.

**33.** The poll-clerks shall also before entering into office take and sign before the presiding officer or a justice of the peace or the deputy-presiding officer who appointed them, the oath prescribed by form B annexed to this act.

Replacing of election officers.

**34.** Whenever any one of the above election officers is prevented from performing the duties of his office for any reason whatsoever, he shall at once be replaced in the same manner as he was appointed.

#### SECTION VII

#### VOTING

Date, time and place of voting.

**35.** The voting shall take place in the city on the second Monday of July if it is a juridical day and if not on the following juridical day, and shall begin at nine o'clock in the morning and end at five o'clock in the evening, at the place determined by the presiding officer, in a room or building of convenient access, with a door for the admittance of the electors, and having, if possible, another door through which they may leave.

Compartments in poll-house.

**36.** One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without interference from any person whomsoever, mark his ballot-paper or ballot-papers.

Who may remain in room.

**37.** In addition to the deputy-presiding officer and the poll-clerk, no person, other than the candidates and their

sworn agents, not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

In the absence of agents of any candidate, two electors may, on application to that effect, represent such candidate.

**38.** The agents or representatives of each candidate shall make oath, according to form F, to keep secret the names of the candidates for whom the electors may mark their ballot-papers in their presence as required by article 48 of this act. Oath of agents.

**39.** At the opening of the poll, the deputy-presiding officer and the poll-clerk, in the presence of the candidates, or their agents, shall open the ballot-box, and ascertain that there are no ballots or other papers in the same. Examination of box before polling commences.

The box shall then be at once locked and the deputy-presiding officer shall keep the key thereof. Closing and locking thereof.

**40.** Immediately after the box shall have been locked, the deputy-presiding officer shall call upon the electors to vote. It shall be the duty of the said deputy-presiding officer, throughout the election, to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll. Voting. Facility of voting.

**41.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and occupation, which shall be at once recorded by the poll-clerk in a poll-book kept for that purpose, according to form G annexed to this act. Recording of name in poll-book.

If such name be found on the list of electors for such poll, the voter shall receive from the deputy-presiding officer a ballot-paper for each vote he has to give. The deputy-presiding officer is strictly bound, before handing them to the voter, to put his initials thereon, and on the annex thereof, a number corresponding to that opposite the voter's name on the poll-book. Ballot-paper to be given. Initialing and numbering thereof.

If an elector has a right to vote in several wards, he shall vote in the ward in which he resided at the time of the preparation of the list, and his name shall be entered in the electoral list for that ward; if he does not reside in the city, he shall vote in the ward in which he possesses the real estate of the greatest value, and his name shall be entered accordingly. If elector has a right to vote in several wards.

**42.** Nevertheless any elector, who shall so present himself, shall, before receiving his ballot-paper or papers, if thereunto required by the deputy-presiding officer or the poll-clerk or Oath to be taken by electors.

one of the candidates or of their agents, take the following oath and answer under such oath affirmatively to the questions number 1 and 2, and negatively to questions numbers 3, 4, 5 and 6 of this article :

Form of oath. " You swear to answer the truth and nothing but the truth to the questions about to be put to you. So help you God :

1. Are you the person whose name is entered on the list of electors now shown you under the name of.....  
(*elector as entered on the list, as proprietor, tenant or occupant, as the case may be*) ?

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

3. Have you already voted at this election, at this poll or at any other?

4. Has any promise been made to you or to your wife or to any of your relatives or friends or any one else to induce you to vote at this election ?

5. Have you received anything either yourself or through your wife or any member of your family or in any other manner to induce you to vote at this election or with respect to your vote at this election, or are you acting, have you acted or are you to act in the interest of one of the candidates at this election, either as carter or paid canvasser or with a view of obtaining any reward for your trouble?

6. Have you been guilty of any other corrupt practice which disqualifies you from voting at this election?"

By whom administered. Such oath shall be administered by the deputy-presiding officer or his poll-clerk.

No ballot-paper to be given to person refusing to take oath, &c. Entry in poll-book. **43.** No ballot paper shall be given to a voter who refuses to take the oath or make the affirmation mentioned in the foregoing article. if called upon to do so, or who after doing so does not answer as prescribed by such article.

In the event of his refusing to take the oath, the word " refused " shall be entered on the poll-book opposite his name, and he shall no longer be entitled to vote at such election.

Oath exacted by deputy-presiding officer. **44.** Whenever a deputy-presiding officer shall know or have reason to believe that a person asking to have his vote taken, has already voted at the election then being held, or presents himself under a false name, he shall be bound to administer the above oath to such person.

Preparation of ballot-paper by elector. **45.** The elector, on receiving the ballot-paper, shall proceed forthwith into one of the compartments of the poll, and there mark his ballot-paper or papers, making a cross,

with a pencil, opposite the name of the candidate or candidates for whom he intends to vote ; after which he folds them up, and hands them to the deputy-presiding officer, allowing the annex on which the number is marked to be seen to enable the said deputy-presiding officer to identify the ballot-paper. Hands same to deputy presiding officer.

**46.** Such officer shall ascertain by examination of his initials and of the number, without unfolding the same, that such ballot-paper is the same supplied by him to the voter ; and, after having detached and destroyed the annex, he shall immediately, and in the presence of the voter, place the same in the ballot-box. Deposit of ballot-paper in box.

**47.** As soon as the elector's ballot-paper is deposited, the poll-clerk shall enter in the poll-book, opposite the name of each elector ; Entries in poll-book.

1. The word "voted ;"
2. The word "sworn," or "affirmed," if the elector has taken the oath or affirmation ;
3. The words "refused to be sworn," or "refused to affirm," if the elector has refused to take the oath or affirmation.

**48.** The deputy-presiding officer, on application of any voter who is unable to read or write, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such voter : Aid in preparing ballot-paper.

1. By marking his ballot-paper or ballot-papers in favor of the candidate or candidates mentioned by such voter in the presence only of the sworn agents ;
2. By placing the ballot-paper in the ballot-box.

Whenever a voter has had his ballot-paper prepared in conformity with this article, mention of the fact is made in the poll-book opposite to the name of the elector. Entry in poll-book.

**49.** If an elector has inadvertently marked, spoiled or torn the ballot-paper or ballot-papers given him, in such manner that it or they cannot be conveniently used, he may, on delivering the same to the deputy-presiding officer, obtain other ballot-papers. Spoiled ballot paper, &c.

**50.** No one shall vote, more than once at the same election. Only one vote.

**51.** If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot-paper after another person has voted as such elector, he shall, upon taking the oath specified in article 42 of this charter, be entitled to vote as any other elector. Vote tendered after previous vote in same name.

Entry in poll-book.

Mention shall be made in the poll-book of the fact that such elector has voted on a second ballot-paper given under the same name, as well as of the oath administered; any objections made to such vote, in the name of a candidate, shall also be noted as well as the name of such candidate.

Interpreter.

**52.** Whenever the deputy-presiding officer shall not understand the language spoken by any elector claiming to vote, he shall swear in an interpreter to serve as intermediary between him and such elector.

Delay to be avoided.

**53.** 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.

Taking ballot-paper away prohibited.

**54.** Every elector who takes his ballot-paper out of the poll shall be *ipso facto* deprived of his right to vote, and shall further incur a penalty not exceeding one hundred dollars, or, in default of payment, imprisonment not exceeding three months.

Penalty.

Exhibiting ballot-paper prohibited.

**55.** No person shall, directly or indirectly, induce any voter to unfold his ballot-paper or papers after he has marked the same, so as to make known the name of the candidate for or against whom he voted.

Interference with voter prohibited.

With the exception of the case of article 48 of this charter, no person shall interfere with, or attempt to interfere with an elector when preparing his ballot-paper, or otherwise make any attempt to obtain, at the poll, information as to the name of the candidate for whom any elector is about to vote or has voted at such poll.

Secrecy as to ballots applied for

**56.** Every election officer, candidate and agent in attendance at a poll shall maintain and aid in maintaining the secrecy of the voting at such poll.

Secrecy as to voting.

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

Penalty for contraventions.

**58.** Whoever acts in contravention of any of the provisions of the three preceding articles, is liable to a penalty not exceeding one hundred dollars or imprisonment not exceeding three months in default of payment.

Penalty for certain offences.

Whoever fraudulently puts or attempts to put into any ballot-box any paper other than the ballot-paper or ballot-papers, which he is authorized by law to put in, shall, for each offence, if an election officer or other election employee,

incur a penalty of two hundred dollars or imprisonment for six months, in default of payment, or if any other person, a fine of one hundred dollars or an imprisonment of three months in default of payment.

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

#### SECTION VIII

#### COUNTING THE VOTES

**60.** Immediately after the close of the poll, the deputy-presiding officer shall open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate. The counting shall be done in the voting room, in the presence of the poll-clerk, of the candidates or their agents or, in their absence, in the presence of at least two electors. Counting ballot-papers.

**61.** The deputy-presiding officer, on reading and counting the ballot-papers, shall reject all ballot-papers which have not been supplied by him, all those by which more than one vote has been given, and all those upon which there is any writing, marks, or indications by which the voter might be identified. Rejected ballot-papers.

**62.** After the other ballot-papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot-papers rejected, all the ballot-papers indicating the votes for each candidate shall be put into separate envelopes or parcels; those rejected, spoiled or not used shall also be put into a different envelope or parcel, each according to its class. Ballot-papers counted and replaced in box, &c.

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

**63.** The deputy-presiding officer shall take a note under his signature of any objection made by any candidate, his agent or any elector present, to any ballot-paper found in the ballot-box, and shall decide any question arising out of the objection. Objections noted and decided.

His decision shall be final, and shall only be reversed on petition requiring a recount before a judge of the Superior Court or upon petition contesting the election or return. Decision to be final.

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

Statement of  
ballot-papers  
and votes.

**64.** The deputy-presiding officer shall make out a statement indicating the number :

1. Of the accepted ballot-papers ;
2. Of the votes given to each candidate ;
3. Of the rejected ballot-papers ;
4. Of the spoiled and returned ballot-papers, and
5. Of the ballot-papers which have not been used and which are returned by him.

Original to  
be placed in  
the ballot-  
box.

He shall make and keep a copy of such statement and deposit the original thereof in the ballot-box, with the list of electors used by him, the poll-book and a statement certified on such book, immediately after the name of the last person entered as having voted or applied for a ballot-paper, establishing the total number of persons who have voted. He shall likewise deposit in the ballot-box every other list, document, commission and oath used during the election.

Oaths of dep-  
uty presi-  
ding-officer  
and poll-  
clerk, etc.,  
before whom  
to be taken.

**65.** Before closing such proceedings, the deputy-presiding officer and the poll-clerk shall take the oath respectively set forth in forms I and J. The deputy-presiding officer may take such oath before the poll-clerk and the latter before the deputy-presiding officer, and such oaths shall be annexed to the above mentioned list of ballot-papers.

Closing and  
delivery of  
the box.

**66.** The ballot-box shall then be locked and sealed, and returned to the presiding officer or to his assistant, and if either of these officers be unable to receive or collect the ballot-boxes, such boxes shall be delivered to one or more persons specially appointed for that purpose by the presiding officer.

Oath on  
delivery.

Such persons, on delivering the ballot-boxes to the presiding officer, shall take the oath given in form H.

Delivery of  
certificate of  
result of poll  
to agents.

**67.** The deputy-presiding officer, on being requested so to do, delivers gratis to each candidate or his agents, or, in their absence, to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot-papers.

Secrecy at  
counting.

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



Whosoever acts in contravention of any provision of this article, shall be punishable by a penalty not exceeding fifty dollars or an imprisonment not exceeding one month in default of payment.

Penalty for  
contraven-  
tion.

#### SECTION IX

#### CLOSE OF THE ELECTION

**69.** On the first juridical day following the election, at the hour of ten in the forenoon, the presiding officer of the election shall, in the office of the clerk or secretary-treasurer, at the city-hall, open the ballot-boxes in the presence of two witnesses, as also in the presence of the candidates, or their respective agents, if they are present, and shall ascertain the number of votes given for each candidate, from the statements found in the several ballot-boxes returned by the deputy-presiding officers, and giving the number of ballots counted by them.

Opening of  
the ballot-  
boxes by the  
presiding  
officer and  
counting of  
votes.

**70.** If the ballot-boxes, or any of them, have been destroyed or lost or are not forthcoming, the presiding officer of the election shall, with all due diligence, ascertain the cause of the disappearance of such ballot-boxes, and shall procure from the deputy-presiding officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of such documents.

Loss of boxes  
provided for.

Each of such documents shall be verified on oath taken before the officer presiding the election.

Verification  
of documents.

If the lists, statements, certificates, or copies thereof cannot be obtained, the presiding officer shall ascertain, by such evidence as he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot-boxes are missing, and mention all these facts in the return he is bound to make under article 73 hereinafter.

Manner of  
ascertaining  
number of  
votes given  
in such case.

**71.** The candidate or candidates who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected.

Candidate  
declared  
elected.

**72.** When, on the final addition of votes, by the presiding officer an equality of votes is found to exist between the candidates, and the addition of one vote would entitle any one of such candidates to be declared elected, it shall be the duty of the presiding officer immediately to give, in presence of the persons mentioned in the above article 69, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

Casting vote  
of presiding  
officer.

Not to vote otherwise.

In no other case shall the officer presiding over the election have a right to vote.

Return.

**73.** After the close of the election, the presiding officer shall at once send his return to the city-clerk, indicating the persons elected, and he shall send him at the same time, to form part of the archives and become the property of the city, all books, documents and papers concerning the election, as well as the ballot-boxes.

Copies, &c., to be evidence.

Copies of such books, documents and papers, certified by the clerk, shall be evidence of their contents before all courts of justice.

If presiding officer has voted.

In his return to the clerk, the presiding officer shall state the name of the candidates for whom he has given his casting vote.

Recount before the judge allowed in certain cases.

**74.** In case it be made to appear, within four days after that on which the officer presiding at the election has made the final addition of the votes for the purpose of declaring the candidate elected, upon petition, based on the affidavit of any credible witness, to a judge of the Superior Court, in the district of Three Rivers, that a recount might change the result of such election, as announced by the presiding officer; and, in case the applicant deposits, within the same time, with the prothonotary of the Superior Court, the sum of fifty dollars, as security, in respect of the recount, for the costs 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, or to make the final addition.

Deposit for costs required, &c.

Time for recount fixed by judge.

Notice to candidate.

The judge shall himself, immediately, give notice in writing, served in the usual manner, or in such manner as he may indicate, to the candidate, of the day, hour and place at which he will proceed to recount the votes, and to make such final addition, and shall summon the presiding-officer and his assistant and the city-clerk, and order them to appear before him with the parcels containing the ballots used at the election, which order each of them shall obey, the whole in the most expeditious manner, so that in any event the recount may be held.

Persons present at recount.

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

Formalities required at recount.

At the time and place fixed, the judge, proceeding according to the alphabetical or numerical order of the polls,

recounts all the ballot-papers returned by the several deputy presiding-officers, and, in the presence of the aforesaid persons, if they attend, opens the sealed packets containing :

1. The used ballot-papers which have been assigned to each candidate ;
2. The rejected ballot-papers :
3. The spoiled ballot papers.

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

During the excluded time and recess for refreshments, the judge shall place the ballot-papers and other documents relating to the election in a sealed envelope, under his own seal and the seals of those of the other persons who desire to affix their seals, and shall otherwise take the precautions necessary for the security of such ballot-papers and documents.

The judge shall proceed to recount the votes according to the rules set forth in article 61 of this act, and shall verify or correct the count of the ballot-papers and statements of the number of votes given for each candidate, by deciding the objections without delay, and as they are made.

The judge may examine the poll-books, statements and other documents used at the election, in order to help him in his decisions, and he may admit any ballot rejected and placed by mistake in the parcels containing the spoiled ballots.

Upon the completion of such recount, and so soon as he has thus ascertained the true result of the poll, he shall seal up all the said ballot-papers in separate packets, and shall forthwith certify the result to the presiding-officer, who shall then proclaim elected the candidate having the highest number of votes.

In case of an equality of votes, the presiding officer shall give the casting vote, in like manner as provided in article 72 of this act.

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

Day and  
hour on which  
recount shall  
take place.

Packets to be  
sealed during  
adjournment.

Rules for re-  
count.

Examination  
of poll-books,  
&c.

Ballot-papers  
to be sealed  
up.

Result to be  
certified to  
presiding  
officer.

Casting vote  
of presiding  
officer.

Costs of re-  
count.

## SECTION X

## INFRINGEMENTS OF THE LAW AND CORRUPT PRACTICES

Penalty for  
voting when  
not qualified.

**75.** Every person who shall vote at an election of mayor or alderman without possessing, at the time when he gives his vote at such election, the qualifications required by law to entitle him to vote at such election, shall thereby incur a penalty of not less than twenty nor more than one hundred dollars.

Bribery or  
corrupt  
practices.

**76.** Every person shall be deemed guilty of bribery or corrupt practices and liable to the penalty hereinafter imposed for such offences :

Voters receiv-  
ing gifts,  
before, dur-  
ing and after  
an election ;

1. Who, directly or indirectly, at any time before, during or after a municipal election in the said city, asks for or receives money or a reward in the shape of a gift, loan or under any other pretext, or agrees or stipulates to receive money or a gift or office, employment or other reward for voting or refraining from voting at such election ; or any candidate at such election, or any other person who, directly or indirectly by himself or through an agent, in consideration of a gift, reward, promise, agreement or warranty, bribes or attempts to bribe an elector to vote or refrain from voting at such election ;

Persons work-  
ing at elec-  
tions by  
reason of  
gifts, &c. ;

2. Who, directly or indirectly, in consideration of a gift, reward, promise or under any other pretext, promotes or undertakes to promote or endeavors to secure the election of a candidate at a municipal election in the said city ;

Persons re-  
ceiving money  
&c., for hire  
of vehicle, &c. ;

3. Who receives money, a gift, reward or promise, in the shape of hire of a vehicle, or for loss of time in order to give his vote, or who accepts an excessive price for any article of trade for voting or refraining from voting at a municipal election in the said city ;

Candidates  
engaging  
carters to  
carry voters,  
&c. ;

4. Any candidate or other person who engages or hires a licensed carter for the purpose of conveying voters to the polls ; or any licensed carter who, for money or for a gift, reward, promise or under any other pretext, leases his carriage, sleigh or other vehicle to a candidate or other person for the purpose of conveying voters to the polls during an election ;

Persons ad-  
vancing or  
paying money  
to be used in  
bribery ;

5. 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 payment of any money wholly or in part expended in bribery or corrupt practices at any election and prohibited by law at any election ;

6. Who, immediately previous to and during an election and by reason thereof, with a view of promoting it and securing votes, or of interfering with the freedom and sincerity of the votes of the electors, causes temporary work to be performed by paid electors whom he employs.

Persons causing temporary works to be performed by paid electors.

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

Proviso.

7. Who, 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 or harm to his person or property, or loss of employment;

Persons guilty of threats;

8. Who, by abduction, duress, artifice, false information, 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.

Persons preventing free exercise of franchise.

77. Every person who shall be guilty of any of the acts set forth in the foregoing article shall incur and pay for each offence a fine of forty dollars, which shall be levied with costs of suit for the benefit of any elector of the city who shall sue for the recovery thereof before the Circuit Court or the district magistrate for the district of Three Rivers. Every person so contravening who shall be found guilty in the cases aforesaid, shall forfeit his right to vote or to be elected mayor or alderman at any municipal election that may take place within twelve months from the date of his condemnation or the right of filling any such office if elected thereto. And in default of payment of the above fine, the person found guilty shall be liable to an imprisonment not exceeding three months.

Penalty and how recoverable.

78. Every candidate, who, corruptly, by himself or by or with any person, or by any other ways or means on his behalf at any time, either before, during or after any election, directly or indirectly, gives or provides, or causes to be given or provided, or pays, wholly or in part, any expenses incurred for any meat, drink, refreshments or provi-

Treating by candidate.

Penalty. sions to or for any person, whether an elector or not, in order to be elected or for being elected, or for the purpose of corruptly influencing an elector to give or refrain from giving his vote at such election, shall be liable to a penalty of two hundred dollars and imprisonment for six other months in default of payment, in addition to any other penalty to which he is liable under any other provision of this act.

Treating by others. **79.** Every person other than a candidate who is guilty of any of the acts above enumerated for the benefit of a candidate at an election, is liable to a fine of one hundred dollars or, in default, an imprisonment not exceeding three months.

Penalty on elector accepting drinks, &c. **80.** Every elector, who, with a corrupt motive, accepts or takes any such meat, drink, or provisions, is liable to a fine not exceeding fifty dollars and not less than ten dollars, and an imprisonment of one month in default of payment.

Treating by third persons. **81.** The giving, or causing to be given, at any time, to any elector on the nomination day and the following days until the day after the voting, inclusively, on account of such elector being about to work for or vote or for having worked or voted at the election, any meat, drink or refreshments, shall be deemed an act of bribery known as "treating."

Penalty. Whosoever is guilty of such act of bribery is liable to a fine of ten dollars for each infringement and an imprisonment of one month in default of payment, in addition to all other penalties enacted by this act.

Penalty on persons : **82.** Every person shall be liable to a penalty not exceeding five hundred dollars and imprisonment for twelve months in default of payment :

Taking away ballot-box, &c. ; 1. Who, illegally or maliciously, either by violence or otherwise, takes from an officer presiding an election, deputy-presiding officer, or poll-clerk, or from any officer or person having the lawful custody thereof, or from the place in which they are then lawfully deposited, any ballot-box, list of electors, poll-book or other document or paper prepared or drawn up in conformity with this act ; or

Injuring, &c., same ; 2. Who illegally or maliciously destroys, injures or obliterates them, or causes them to be destroyed, injured or obliterated ; or

Erasing names, &c. ; 3. Who makes, or causes to be made any erasure, addition or interpolation of names, in such documents or papers ; or

Aiding commission of such offences. 4. Who aids, abets or contributes to their being taken, destroyed, injured or obliterated, or to the making of erasures, additions, or interpolations of names therein.

**83.** Every election officer or other person intrusted with the issue of official copies of lists of electors or who is the legal custodian of such lists, who knowingly and deliberately makes any alteration, omission or insertion in such lists or certified copies thereof, or falsifies them in any manner, incurs a penalty of two hundred dollars and imprisonment for twelve months in default of payment, with or without hard labor.

Penalty on  
presiding offi-  
cer making  
erasures in  
lists, &c.

**84.** At the trial of any election petition, one vote for each person who has voted at the contested election and who, at the trial, is proved to have been guilty of any corrupt practice, shall be struck from the number of votes given in favor of such candidate, or for whose benefit any of the corrupt practices above mentioned in connection with elections has been committed.

One vote to  
be struck in  
certain cases.

**85.** Every person shall be deemed to be guilty of the offence of "personation," and shall be punishable accordingly by a penalty of five hundred dollars and imprisonment for three months in default of payment, in addition to an imprisonment not exceeding three months, with or without hard labor :

Penalty for  
personation.

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

2. Who, having already voted at an election, applies for another ballot-paper in his own name or presents himself again to vote at the same poll-house ;

3. Who aids, abets, incites, counsels or facilitates the commission of any infraction of the provisions of this article.

**86.** Every person who is guilty of any of the infringements mentioned in paragraphs 1 and 2 of the foregoing article, may be arrested on view by the deputy-presiding officer, a justice of the peace, or a constable, and be taken to and kept in the common gaol of the district of Three Rivers until the election is over, or until bail be given that such person so arrested shall appear to answer unto the charge to be brought against him respecting such act before the Superior Court or the district magistrate for the district of Three Rivers.

Arrest on  
view in case  
of preceding  
article.

**87.** On or before the first day of June in each year, the city-clerk shall procure from the prothonotary, the clerk of the Circuit Court and the clerk of the peace a list of the names of all persons who have been condemned by a court during the

List of cer-  
tain persons  
to be made  
out annually  
by city-clerk.

past year for having committed any of the corrupt practices in connection with which this act imposes a penalty of a fine or imprisonment, and the said clerk shall strike off their names from the list of electors for the following year.

Hotel bars,  
&c. to be  
closed during  
voting.

**88.** Every hotel-, tavern-, or restaurant-keeper in the city shall close the bar of his establishment, and every dealer in spirituous or fermented liquors shall close his shop, while the polls are open, and during that time also no spirituous or fermented liquor shall be sold or given in any hotel, tavern, restaurant or shop in the city.

Penalty.

**89.** Whosoever shall infringe the provisions of the foregoing article, shall be liable to a fine of one hundred dollars or an imprisonment not exceeding six months in default of payment.

Recovery of  
penalties.

**90.** Every prosecution, concerning a penalty imposed by this act in connection with municipal elections, may be brought within three months after the election, and not afterwards, by any elector of the city, by an action of debt, before any court having civil jurisdiction for the amount demanded.

Security for  
costs may be  
required.

But the defendant in any such prosecution may, before pleading, obtain that all proceedings thereon be stayed, until the party prosecuting shall, in the discretion of the court, have deposited with the clerk of the court such sum of money as shall be deemed necessary and be fixed by the court to pay the costs of the defence.

Rules govern-  
ing trials, &c.,  
to whom fine  
belongs.

**91.** The trial of such suit shall be carried on in the ordinary manner, and the amount of the fine against the person convicted shall belong to the party prosecuting.

#### SECTION XI

#### MAINTENANCE OF PEACE AND GOOD ORDER

Presiding offi-  
cers and dep-  
uty-presi-  
ding officers  
are conser-  
vators of the  
peace, &c.  
May require  
aid and swear  
in constables.

**92.** The officer presiding the election and every deputy-presiding officer, from the time they shall respectively have taken the oath of office until the day of the closing of the voting, inclusively, shall be conservators of the peace, and be invested with all the powers appertaining to a justice of the peace, and may require the assistance of all justices of the peace, constables and other persons present to assist them in maintaining peace and good order during the election.

Idem, on re-  
quisition of  
candidate.

**93.** They may, on the written request of a candidate or of his agent, swear in as many special constables as they may deem necessary.



## SECTION XII

## MISCELLANEOUS PROVISIONS RESPECTING THE ELECTION

**94.** Within two days after the closing of the election, the presiding officer shall give written notice to the candidates elect of their election. Notice to candidate elect.

**95.** No candidate for the office of mayor or other person occupying that office can be nominated as alderman. Person who cannot be nominated as alderman.

**96.** When any of the persons elected mayor or aldermen refuse to accept the office for which they are elected or if the election of any one is set aside by a court after judicial contestation, a new election for filling such vacancies shall be ordered in accordance with the provisions of this act, at as early a date, after such refusal or judgment, as the time for publishing the notices required for the election will allow. When persons elected refuse to act, &c. New election.

**97.** Such election shall take place on the list of electors in force at the last elections and under the direction of the same election officers, and in their default of officers to be named by the council. List to be used at such election, &c.

**98.** Whenever an annual municipal election, whether general or partial, is not held for any reason whatever on the date fixed for it, the members of the council then in office shall meet and order a new election in accordance with the provisions of this act and fix the same at as early a date as the time required for publishing the necessary notices will allow. And the said election shall take place on the list of electors made out for the election previously ordered which has not taken place. In case the election is not held at the time fixed.

**99.** Every person elected or appointed to the office of mayor or alderman, who shall refuse to accept the same or perform the duties thereof, shall incur a penalty of thirty dollars for the office of mayor, and of twenty dollars for the office of alderman. Penalty incurred by those who refuse to perform duties.

But the payment of such penalty shall carry with it exemption from the office in connection with which it has been imposed for the period of the two or three following years, as the case may be. Proviso as to payment of penalty.

**100.** The expenses of every election shall be paid out of the city funds. It is especially enacted that the fee of each deputy-presiding officer shall be three dollars for his services and two dollars for those of his poll-clerks. Payment of expenses. Fees of deputy-presiding officer and poll-clerk.

## SECTION XIII

## ELECTION CONTESTATIONS

Who may  
contest and  
on what  
grounds.

**101.** Any election of mayor or alderman may be contested by a candidate or by at least five electors of the city for violence, bribery and corrupt practices, fraud or incapacity, or for non-observance of the formalities essential to the election.

Circuit Court  
Three-Rivers  
has jurisdic-  
tion.

**102.** The cognizance and decision of such contestation shall be within the exclusive jurisdiction of the Circuit Court for the district of Three Rivers ; and such court shall sit for the hearing of such contestation on any juridical day of the year, including the vacation. The decision of such court shall be final and without appeal.

Petition.

**103.** Such contestation shall be effected by a petition complaining of the election and of the proclaiming of a person as mayor or alderman elect and praying either that the said election be set aside and that an order be given to proceed to hold a new election, or that the election be set aside and a judgment be rendered declaring some other person duly elected in the place and stead of the one proclaimed elected.

Grounds of  
petition.

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

1. That the person returned did not receive the majority of legal votes at such election ;
2. That he was not qualified to be elected as such mayor or alderman, as the case may be ;
3. That he was guilty of corrupt practices prohibited by this act, either personally, or by an agent.

Contents of  
petition.

**105.** 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 ; the allegations thereof shall be supported by affidavit to the satisfaction of the court, and the petition shall likewise be accompanied by a notice to the person whose election is contested, indicating the day, hour and place at which it will be presented.

Affidavit.

Delay for  
presenting  
petition.

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

**107.** A certified copy of the petition, with a notice indicating the day when it will be presented before the court, shall be duly served upon the person whose election is contested, at least eight days before that on which the petition will be presented to the court. A return of such service shall be made and signed on the original of the petition by the bailiff who effected the service. Copies of the petition and notice may be certified by the attorney.

Service of,  
and notice.

Bailiff's re-  
turn.

**108.** No such petition shall be received in court unless the petitioners deposit in the office of the said court, at the same time as their petition, the sum of one hundred dollars as security for the costs of the opposite party.

Security or  
costs must  
be deposited.

**109.** If the court be of opinion that the facts articulated and set forth in the petition are sufficient to have the election set aside, it shall order proof to be adduced which may be done by parol evidence and shall fix as early a day as possible for the same.

Hearing and  
proof.

**110.** The court shall proceed on the said contestations in a summary manner, from day to day, until it delivers its final judgment.

Proceedings  
are summary.

**111.** If, upon the issue, it is necessary to count, or to examine, or otherwise to deal with the ballot-papers used at the election, or to examine or otherwise deal with the poll-books or other documents used in the polls, or to summon the persons who have conducted the election or acted therein in any manner whatever, the court shall, for such purposes, have all the jurisdiction, power and authority vested in any court in similar matters, by the Quebec Controverted Elections' Act, and its amendments.

If it is neces-  
sary to count  
the ballot-  
papers, &c.

**112.** The court seized with the contestation may confirm the election, set it aside or declare another person duly elected, and condemn either party to costs, which shall be taxed as in a fourth class action in the Superior Court.

Powers of the  
court.

Costs.

The judgment of the court shall be served upon the city-clerk at the expense of the party condemned to pay the costs.

Service of  
judgment.

**113.** If any defect or irregularity in the formalities prescribed for the election be alleged in the petition, as a reason for such contestation, the court may admit or reject the same as it may deem them calculated to materially affect the said election or not.

Defect of  
form.

Defendant  
may prove  
corrupt prac-  
tices against  
any other  
candidate.

**114.** On the trial of a petition, the defendant is allowed to prove that any other candidate has been guilty of corrupt practices in the same manner and to the same effect as if he himself had presented a petition complaining of such election or of the conduct of such candidate.

Notice in such  
case.

But, before adducing such proof, the defendant must give notice thereof to such candidate if he be not already a party to the suit, and the latter may cross-examine the witnesses in support of the charge and have others heard against the same.

#### SECTION XIV

#### THE COUNCIL

Entry into  
office of the  
mayor and  
aldermen.

**115.** A meeting of the council shall be held within the eight days following the annual election ; it shall be convened by the presiding officer who shall give notice to the mayor and to each alderman ; and, at such meeting, the mayor and the aldermen elect shall enter into office, on taking the following oath :

Oath.

" I, A. B., solemnly swear to faithfully perform the duties of member of the council of the city of Three Rivers, to the best of my judgment. I further swear that I possess, as required by the charter of the city of Three Rivers, A. D. 1901, immoveable property in the city of Three Rivers, of the value of two thousand dollars, (*in the case of the mayor*), or of twelve hundred dollars, (*in the case of an alderman*), over and above all hypothecary debts. So help me God."

Members ab-  
sent.

The newly elected members of the council who shall be absent from such meeting without lawful reason, shall be deemed to have refused office and shall be liable to the fine imposed by this act in such cases.

Urgent meet-  
ing

If it become urgent to hold a meeting before that convened by the presiding officer, the members of the council newly elected shall have the right to take part therein upon previously taking the above oath.

Pro-mayor.

**116.** At its first meeting in the months of July and January of each year, the council shall elect one of its members as pro-mayor, who shall replace the mayor when absent, and shall be vested with his powers.

Vacancy in  
the office of  
mayor.

**117.** In the event of the office of mayor becoming vacant through any reason whatsoever, the council shall fill such vacancy by choosing one of its members, who shall assume the office of mayor and perform his duties until the expiration of the term of office of the mayor whom he has replaced.

**118.** In the event of the office of alderman becoming vacant, the council shall choose, from amongst the municipal electors of the city duly qualified to fill such vacancy, a person who shall assume the office of alderman and perform the duties thereof until the expiration of the term of office of the alderman whom he has replaced. Vacancy in the office of alderman.

**119.** The council is authorized to accept the resignation of any of its members, mayor or alderman, for reasons which it may deem good and sufficient. But every alderman shall have the right to resign his office to become a candidate for the mayoralty of the city, and in such case he shall be replaced by the council. Resignations.

**120.** Every member of the council, mayor or alderman, who shall, during three consecutive months, without the authorization of the council, neglect to attend the sittings of the council, who shall make a judicial abandonment of his property for the benefit of his creditors, or who is found guilty of an offence punishable by an imprisonment of two years or more, or of corrupt and fraudulent practices by any competent court under this act, shall thereby forfeit his office and shall be replaced in accordance with the provisions of this charter. Vacancies by disqualification.

**121.** The council shall meet at least once a month to transact the business of the city, and shall hold its sittings in the city-hall, or in any other place which it may select. Such sittings shall be public, except, however, when it is necessary to deal with the conduct of any of its members or to judge the same. Monthly meetings of the council.

**122.** The meetings of the council shall be presided over by the mayor, or in his absence by the pro-mayor. In the absence of both, the aldermen present shall choose one of their number to preside over the meeting, and during such meeting the said person shall be vested with the executive powers of the mayor. Mayor or pro-mayor, or presides, &c.

**123.** No member of the council shall take part in the deliberations nor vote on a question in which he has a direct personal interest different from the common interests of all the inhabitants of the city. Case where a member cannot vote.

**124.** The absolute majority of the council shall consist of one half at least of the aldermen in office and of the mayor, and shall constitute a quorum for the transaction of business. But when the adoption of a by-law has to be decided upon, the quorum shall be at least eight members. Quorum.

When there is no quorum, those present may adjourn. **125.** One or more members of the council who are not in sufficient number to constitute a quorum may adjourn any meeting which could not take place through want of a quorum.

Decision of questions. Mayor, &c., not to vote. **126.** Every disputed question shall be decided by the majority of the aldermen present. The mayor or person replacing him shall have the right to give his opinion on any question submitted at the meetings of the council, but he shall have the right to vote only when the votes of the aldermen present are equally divided.

Special meetings. **127.** The city-clerk shall call special meetings whenever he is required by the mayor, or in his absence by the pro-mayor or again by three aldermen. The members of the council shall be bound to be present at such special meetings as at the monthly meetings. Every special meeting must be called by a notice of at least twenty-four hours given to each member of the council, and specifying in writing the object of such meeting and the day and hour at which it is to take place.

Mayor *ex-officio* a justice of the peace. **128.** During his tenure of office the mayor shall be *ex-officio* a justice of the peace for the district of Three Rivers.

Order during meeting. **129.** The mayor shall maintain order and decorum during the sittings of the council; he may arrest or cause to be arrested any one who may disturb the council during any sitting thereof, and have him placed in custody; and such person shall, on conviction for every offence, incur a fine not exceeding sixty dollars, or in default of payment an imprisonment not exceeding fifteen days. The said fine shall be recoverable before the district magistrate for the district of Three Rivers, or any justice of the peace.

Appointment of standing committees. **130.** It shall be the duty of the council at the first sitting after the annual elections to appoint as many standing committees as may be necessary for the supervision of the municipal administration.

Reports by committees. **131.** The committees shall render an account of their labors by means of reports signed by the majority of the members composing the same; and no report or order of a committee shall take effect until it has been approved by the council.

## SECTION XV

## OFFICERS OF THE COUNCIL

**132.** The council may appoint all the officers or employees it may deem necessary for the execution of the powers conferred upon it by this charter. It may prescribe and regulate the duties and powers of each of such officers or employees, replace and remove them ; exact from all persons employed by it in any capacity whatsoever such security as it may deem sufficient for the due execution of their duties, and grant them such salary, as it may deem proper for their services.

Power of the council to appoint officers.

Security to be furnished by them.

**133.** All extracts from or copies of books, registers, reports, documents or papers belonging to the council and in the custody of the clerk or treasurer of the council, and certified by either, under the seal of the corporation of the city of Three Rivers, shall be deemed authentic and shall be received as evidence before all courts without its being necessary to prove the signature of the officer issuing the same.

Copies, &c., authentic.

**134.** The clerk, the treasurer, their assistants, or all constables appointed by the council may serve and post up all notices prescribed by this charter or the general law and make a return thereof under their oath of office.

Who may serve, &c., notices.

**135.** Every member of the council as well as every municipal officer shall, within the eight days following that on which he ceases to hold his office, deliver to his successor if he then be elected or appointed, or within a delay of eight days after the election or appointment of his successor, all moneys, keys, books, papers and badges pertaining to such office, and in default of his so doing, he may be sued by attachment in revendication or in damages, and if condemned he may be imprisoned until he has paid the amount of the said condemnation and costs, or satisfied the judgment pronounced against him by the court.

Duty of officer retiring from office.

**136.** The council shall have power to appoint, when it deems it advisable, all the officers, constables and policemen who may be deemed necessary for the due execution of the laws and of the by-laws already in existence or which it may hereafter pass ; and every such person so appointed shall before entering into office, make oath before the mayor or a justice of the peace to well and faithfully perform the duties of his office, and such oath shall be preserved in the archives of the council.

Power of council to appoint policemen, &c.

Oath.

## SECTION XVI

## AUDITORS

**Appointment of auditors.** **137.** At the first meeting after each annual election, the council shall appoint two persons to examine and audit the accounts of the said council ;

**Qualification.** They must be proprietors of real estate in the city, of the value of at least eight hundred dollars, and shall take the following oath of office :

**Oath.** " I, A. B., auditor of the city of Three Rivers, do hereby swear, that I will faithfully perform the duties of my office to the best of my judgment, and I do declare that I have not directly or indirectly any share or interest whatever, in any contract or other employment with, by, or under the city council of the said city of Three Rivers : So help me God."

**Special audit.** The said council may also, when it deems it expedient, nominate any other person to examine and audit the accounts and books of its treasurer, either from the time of his entry into office or from any other date which it shall determine, and to report to it. It shall not be necessary for the person so nominated and selected to be a proprietor or even an inhabitant of the city, he shall be merely obliged to take the above oath.

**Duty of auditors.** **138.** It shall be the duty of the two auditors to examine, verify, approve or disapprove of, and report upon all accounts which may be entered in the books of the said council or concerning it, and which may relate to any matter or thing under the control, or within the jurisdiction of the said council ; and to publish in the French language, in one or more newspapers, published in the said city, a detailed statement of the receipts and expenditure, and of the revenues of the council, during the previous fiscal year.

**Audit by mayor's orders.** **139.** The mayor may also cause the treasurer's accounts to be summarily examined and audited at any time during the fiscal year by the two auditors, who shall report thereon to the council.

## SECTION XVII

## ASSESSORS AND VALUATION ROLLS

**Appointment of assessors.** **140.** The council shall have power to appoint assessors of the moveable and immoveable property liable to taxation in the city of Three Rivers.

**Qualification.** Such assessors must be proprietors of real estate in the city of a value of at least twelve hundred dollars, and shall take the following oath of office :



"I, A. B., one of the assessors for the city of Three Oath. Rivers, do swear that I will faithfully, carefully and diligently perform the duties of my office to the best of my judgment. So help me God."

**141.** The assessors shall, in the time and manner determined by the council, make out the valuation roll of the city by entering thereon according to their real value all the moveable and immoveable properties, rents, occupations, and all persons, things and matters whatsoever subject to the imposition of taxes, dues or licenses within the limits of the city, with the name of the proprietor or party interested opposite the same. And, in order to make such valuation, the said assessors shall take into account the rents and other revenues of the said properties.

Duty of assessors as to valuation of property ;

**142.** It shall be the further duty of the assessors to value and enter upon the valuation roll of the city the annual value or rent of any immoveable occupied by any person who, not being the proprietor of the said immoveable, is nevertheless not obliged to pay any rent therefor.

As to valuation of rent.

**143.** As soon as the valuation roll is completed by the assessors and accepted by the council, it shall remain for one month in the office of the city-clerk at the disposal of any person who wishes to examine it ; and public notice shall be given by the clerk in one or more newspapers published in the city that the said valuation roll is so open for examination for one month. And during such time any person who may deem himself aggrieved by the valuation roll owing to incorrect valuation, error, omission or informality, shall make a complaint to the council in writing.

Deposit of valuation roll with city-clerk for inspection.  
Notice.  
Complaints.

**144.** It shall be the duty of the council at the first meeting after the expiration of the delay for receiving complaints in connection with the valuation roll, after giving notice of at least two days to the interested parties, to commence hearing and judging such complaints. The parties and the witnesses shall be heard under oath taken before the mayor or the person replacing him.

Examination, &c., of complaint.

**145.** Interested parties who may have witnesses to be heard, may obtain from the mayor an order summoning the said witnesses to appear before the council. A copy of such order shall be served by a bailiff at least one day before the sitting of the said council. And if the witnesses so summoned do not appear without just cause, their default shall be established by the council, and the said witnesses shall be liable to a penalty of twenty dollars, recoverable before the district magistrate or a justice of the peace.

Summoning of witnesses.

Closing of  
rolls.

**146.** When the council shall have disposed of all the complaints and corrected the valuation roll if necessary, it shall declare it valid for the two following years.

Revision of  
the valuation  
roll in force.

**147.** The council shall, during the year following that in which the valuation roll of the city is made, revise the roll then in force, and cause to be entered thereon all changes, increases or decreases which may have occurred in relation to the number and value of real estate, rents, stocks-in-trade or goods, animals and vehicles, professions, occupations and trades, that is to say, of all persons and things liable for the payment of municipal taxes and assessments.

Omission, &c.,  
and reesti-  
mating.

**148.** In the event of omission or addition or considerable increase or decrease in value or of the destruction of property by fire or accident, the council shall at any time, on application to that effect, again require the service of its assessors, reopen the valuation roll and make the necessary alterations therein.

Change of  
owner, &c.

**149.** Whenever there is a change of owner of an immoveable mentioned in the valuation roll in force, the council, on a written petition to that effect and on sufficient evidence being adduced, shall strike the name of the former proprietor or occupant and enter thereon that of the new one.

Valuations of  
property in  
possession of  
an occupant.

**150.** When in the performance of the duties of their office, the assessors meet with a case of an immoveable occupied by a person who is neither a proprietor nor a tenant, they shall value such occupation at the ordinary rate of rents under similar conditions.

Appeal to :  
Circuit  
Court ;

Superior  
Court.

**151.** An appeal may be taken to the Circuit Court, by any party interested, from the decision rendered by the council on any complaint respecting the valuation roll. Nevertheless, when the party interested complains of a difference of over one hundred dollars in the valuation of an immoveable or other thing entered on the valuation roll, the appeal may be taken to the Superior Court.

How taken.

**152.** Such appeal shall be taken by a petition served and filed within eight days from the decision of the council.

If proof not  
taken in writ-  
ing.

**153.** If the proof has not been taken in writing before the council, the parties may have such proof taken before the Circuit or Superior Court, as the case may be.

Correction of  
valuation  
roll.

**154.** When the decision of the council is amended, the treasurer shall be bound to forthwith correct the valuation roll in accordance with the judgment of the court, as soon as the same is served upon it.

Such appeal shall not, however, prevent the valuation roll from coming into force as regards the non-contested part thereof.

Coming into force of uncontested part of roll.

**155.** Every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less or higher sum than the rent really paid for the premises therein mentioned or referred to ; every tenant who shall present to the assessors of the city such receipt or certificate, falsely representing the value of the rent paid by such tenant ; or every person who shall give false information to the said assessors in order to increase or decrease the amount of his assessment or that of any other person,—shall be liable on conviction thereof, before the district magistrate or any justice of the peace to a penalty not exceeding twenty dollars or to imprisonment not exceeding one month, in default of payment.

Penalty for false information as to rent, &c.

**156.** Whenever the assessors neglect to make the valuation required by the council, or to draw up, sign and deliver the valuation roll to the clerk within two months from the date of their appointment, every such assessor shall incur a penalty of two dollars for each day that he shall be in default.

Penalty on assessors neglecting to make the valuation roll.

#### SECTION XVIII

#### OBLIGATION RESPECTING THE PERFORMANCE OF DUTIES IMPOSED BY THIS CHARTER

**157.** Every member of the council, every officer appointed by the council, every justice of the peace and every other person who shall refuse or neglect to do anything or perform any duty required of him under this act, shall incur a penalty of from four dollars to twenty dollars.

Penalty on members of council, &c., neglecting duty.

**158.** Every road inspector or officer who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall incur a penalty of one dollar for each day such infringement shall continue.

Penalty on road inspector, &c., for neglecting duty.

**159.** Every person who shall molest or impede or attempt to molest or impede any officer of the council in the exercise of any of the powers, or in the performance of any of the duties conferred or imposed upon him by this act, or by a by-law or order of the said council, shall incur a penalty of from one to twenty dollars for each offence, over and above the damages for which he may be liable.

Penalty for interfering with officer in execution of his duty.

Penalty for  
defacing pub-  
lic notices.

**160.** Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this act, or by any by-law or order of the said council to be posted up at any public place for the information of persons interested, shall incur a penalty of from one to twenty dollars for such offence.

#### SECTION XIX

#### FISCAL YEAR

Fiscal year.

**161.** The fiscal year in the city of Three Rivers shall commence on the first of January, and shall end on the last day of December, both days inclusive. The taxes, rates, assessments and contributions imposed and levied each year, shall be deemed to be imposed and levied for that period ; but the council may, by by-law or resolution, fix a day or or date at which any tax or other dues, imposed by it, shall be exigible.

Taxes, &c.,  
to be imposed  
for that time.

Proviso.

Annual ap-  
propriation  
made by  
council for  
certain pur-  
poses.

**162.** Before the first of February in each year, the said council shall vote the sums necessary to meet the expenses of the current year, and provide :

1. For the payment of the debts or obligations of the said corporation, falling due during the course of the said year ;
2. For the payment of the sinking fund and interest on the capital of the other debts of the said corporation ;
3. For the general and ordinary expenses of the said city ;
4. For the sums required during the said current year, for improvements or proposed works ;
5. For the creation of a reserve fund of not less than five per cent. to be levied on the revenues of the said city, from whatever source they arise, and such reserve fund shall be for the purpose of meeting the unforeseen expenses of the said corporation.

Limit of  
amount to be  
appropriated.

The sum so voted each year by the council to meet the expenses of the current year, shall in no case exceed the amount of the receipts of the previous year, added to the unexpended balance of the said receipts ; and the council shall not, in any case, pledge the revenues or appropriations for the following year.

Council not  
to expend  
over that sum.

**163.** The council cannot expend over and above the amount thus prescribed, except in the case and under the conditions hereinafter mentioned, but the council may, at any time, change the destination of the sums thus voted.

Proviso.

In case of urgent necessity, the council may pass a by-law to levy sums sufficient to meet such necessity in addition to those at its disposal, provided that by the said by-law an additional tax shall be imposed for the current year only, sufficient to cover the said amount, which assessment, shall be levied upon all moveable or immoveable property, in the same manner as ordinary assessments and taxes.

Case of urgent necessity provided for.

But before such by-law shall be passed as aforesaid, it shall be the duty of the treasurer to calculate what amount shall thus be necessary to meet the expenses of the current year, after allowing a reasonable proportion for expenses, losses and deficit in the collection of such additional tax, and he shall report the same to the council.

Duty of treasurer in such case.

#### SECTION XX

#### BY-LAWS

**164.** The council shall have power to enact, repeal or amend, and enforce by-laws for the peace, order, and internal good government of the city of Three Rivers, desirable improvements, protection of property and persons, the general welfare of the city, and for all matters and things whatsoever that concern and affect, or that may hereafter concern and affect the city, provided always that such by-laws be not contrary to the laws of this Province or of Canada nor contrary to any special provisions of this charter.

General power to enact, &c., by-laws.

And for greater certainty, but not so as to restrict the scope of the foregoing provision or of any power conferred by this charter, nor to exceed the provisos hereinabove mentioned, it is hereby declared that the authority and jurisdiction of the said city council shall hereafter extend to all the matters hereinafter mentioned, that is to say :

Extent of jurisdiction of council.

1. The raising of money by taxation for corporate purposes ;
2. The borrowing of money on the city's credit ;
3. Streets, lands and highways, and the right of passage above, across, along, or beneath the same ;
4. Sewers, drains and aqueducts ;
5. Parks, squares and ferries on the river St. Lawrence and the river St. Maurice ;
6. Licenses for trading and peddling ;
7. The public peace and safety ;
8. Health and sanitation ;
9. Vaccination and inoculation ;
10. Public works and improvements ;

11. Buildings, their materials, the height of their chimneys, for preventing accidents, fires and public inconvenience;

12. Explosive substances ;

13. Nuisances ;

14. Markets and abattoirs ;

15. Decency and good morals ;

16. Masters and servants ;

17. Water, light, heat, steam, railways and engines of all kinds ;

18. Tramways, automobiles and bicycles ;

19. The granting of franchises and privileges to persons or companies ;

20. The inspection of food ;

21. Expropriation of land in cases of public necessity and utility.

Power of  
council to  
make by-  
laws respect-  
ing :

**165.** And the city council, for the purposes and objects included in the foregoing article, but without limitation of its powers and authority thereunder, as well as for the purposes and objects detailed in the present article, shall have full and exclusive authority to pass by-laws :

Order and  
decorum  
during meet-  
ings ;

1. For the maintenance of good order and decorum during its meetings, and for compelling the members to be present thereat ;

Use of streets,  
&c. :

2. For regulating the use of streets, alleys, avenues, public grounds and municipal waters and streams ; and for securing and maintaining the good condition, cleanliness and drainage of the said streets and public squares and of vacant or unoccupied lots ;

Filth in  
streets :

3. For preventing the throwing or depositing of ashes, paper, refuse, offal, dirt or any offensive matter or obstruction in or upon any streets, alleys, yards, public grounds, or municipal streams or waters, and for compelling the proprietors or occupants of every immoveable to remove such matters or obstructions on or opposite the same, or to pay the cost of removing the same ;

Conceding  
lots, &c. in  
common ;  
Conceding  
lots for pro-  
moting rail-  
ways, &c. ;

4. For conceding lots and opening new streets in the city common on such conditions as it may deem reasonable ;

5. For conceding or giving lots in the city common for promoting the establishment of railways, manufactures and industries of all kinds and the building of wharves or other improvements connected with the extension of the port of the city,—subject however to the restrictions enacted by the Statute of Quebec, 62 Victoria, chapter 41 ;

Proviso.

6. For granting aid towards the construction of railways, electric telegraph or telephone lines, to manufacturing establishments and navigation companies, electric tramways, by granting for that purpose a partial or complete exemption from taxes for a period not exceeding ten years or by granting such extent of land as the council may deem proper to give, or by taking shares in companies formed and incorporated for such objects, and in the latter case the council shall select one or more of its members to represent its interests and act as such director in such companies ;

7. For acquiring and possessing lands on the south and north shore of the river St. Lawrence in the parishes adjoining the city and building wharves therein for the establishment and maintenance of ferries by means of ferry boats ;

Aid to rail-ways, &c.  
Acquisition of lands on St. Lawrence for certain purposes.

8. For allowing every year to the mayor of the city a suitable amount for covering expenses connected with representing the city, receptions, special proceedings and other similar expenses imposed on him by his position as non-salaried head of the council, provided such sum does not exceed three hundred dollars ;

Allowance to mayor ;  
Proviso.

9. For regulating, fixing and determining the weight and quality of bread which may be sold or offered for sale, within the limits of the city, and to provide for the inspection and weighing of bread exposed for sale, and for the seizure, forfeiture, confiscation, and the mode of disposal after confiscation, of all bread baked or exposed for sale in contravention of the by-laws, or such bread under the weight prescribed or unwholesome ; and to this end, to empower officers or any fit person, to enter into bakeries or other places, and to stop vehicles carting bread, for the purpose of inspecting or weighing such bread, and to do any other act or thing that may be necessary, or that may be so deemed for the public interest, or for causing the by-laws of the council in this respect to be enforced ;

Weight and quality of bread ;

10. For regulating the conduct and certain duties of apprentices, domestics, hired servants and laborers in the city ; and also certain duties and obligations of masters and mistresses towards servants, apprentices and laborers ;

Duties of apprentices, &c., masters, &c. ;

11. For causing all vicious dogs or other vicious animals, or those for which no tax has been paid by the person obliged to pay the same, to be killed or muzzled ;

Vicious dogs, &c. ;

12. For providing out of the funds of the city a supply of water for the city and the citizens and for lighting by means of gas, electricity or in any other manner ; and in case the corporation does not wish to undertake supplying water or light to the city, for conceding the right to do so to private individuals or incorporated companies ;

Water, gas and electricity ;

- Compelling proprietors to allow works on their property. 13. For compelling the owners of immoveable property within the city, to allow the necessary works for such purposes to be performed upon their respective properties; and for compelling all proprietors to allow the necessary pipes, lamps or posts to be attached to their houses; provided always, that in all such cases, the expenses of such pipes, lamps and other necessary works shall be borne by the corporation; and provided also, that the solidity of the buildings on or near which they shall be, shall be in no way affected thereby, and that all damages which may be caused shall be paid by the corporation, and that every proprietor shall be indemnified by the council or by the persons or company, as the case may be, doing such work;
- Proviso. Proviso ;
- Aid to scientific, &c., societies, &c.; 14. For aiding scientific, artistic, literary, industrial or agricultural societies by giving or lending moneys for that purpose to persons, companies or associations formed for any of the above objects or by taking shares in the stock of such companies; provided the amount so appropriated shall not exceed the sum of one thousand dollars. When the aid granted exceeds such amount, a by-law to that effect shall be submitted to the approval of the rate-payers who are property-owners as provided by article 186 of this charter;
- Proviso ;
- Water-courses, &c.; 15. For determining the direction of any natural water-course running through private property in the city and for regulating all matters affecting such water-courses, whether they be covered or not;
- Public pounds ; 16. For establishing as many public pounds as the council may deem advisable, for keeping animals of any kind straying in the city;
- Fences ; 17. For compelling the owners of all lands and real estate in the city, or their representatives or agents, to fence in such lands, and for regulating the height of the fences and the strength and quality of the material to be used therefor;
- Shows, &c.; 18. For licensing, regulating or forbidding shows, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations and generally exhibitions and representations of all kinds;
- Cock-fights, &c. 19. For forbidding cock-fights and dog-fights and other cruel amusements; and for arresting on view any spectator or other person taking part therein;
- Removal of snow, &c ; 20. For compelling all persons to remove snow, ice and filth from the sidewalks and the roofs of the buildings owned or occupied by them, and for punishing them in default of their so doing;
- Removal, &c., of unwholesome, &c., matter in 21. For compelling the owner or occupant of every grocery shop, cellar, candle factory, sausage factory, soap-boiling establishment, tannery, stable, slaughter-house, barn,



privy, drain, garden, field, yard, passage or vacant lot, or any unwholesome and offensive place, to clear and render the same salubrious and even to remove all noxious matter in so far as the same may be necessary for the health, comfort and convenience of the inhabitants of the city, or for prohibiting the raising and keeping of swine in the city ; drains, cellars, factories, &c. ; Raising of swine ;

22. For restricting and regulating the trade of hucksters and of persons purchasing articles brought into the city for the purpose of reselling the same, and for imposing dues and taxes on them for carrying on such trade. Hucksters

23. For licensing and regulating hackmen, draymen, carters, expressmen, porters, and all other persons or corporations, including street tramway companies, engaged in carrying passengers, baggage or freight in the city, and for regulating their charges therefor, and for prescribing standing places or stations within the streets or near railway stations, where the same may remain while waiting for business, and for prohibiting the same from standing or waiting at any other places than the places so prescribed ; Hackmen, &c. ;

24. For imposing a penalty on the said hackmen, draymen, carters, expressmen and porters refusing to act as such, and upon every person who shall hire, engage or employ them in the city and who shall neglect or refuse to pay them for their services at the rates fixed by the tariff ; Penalties on hackmen ; &c. ;

25. For regulating the way in which horses shall be left or be tied in the streets, public places or in open sheds in the city ; also for preventing horses from being driven at an immoderate speed, and for arresting on view the persons guilty of an infringement of such by-law ; Horses on streets, &c. ;

26. For preventing or regulating bathing and swimming in the rivers, within the limits of the city ; Bathing, &c. ,

27. For preventing or regulating the firing of guns, pistols and other firearms, or arms fired by air, compressed gas or on any other system ; Firing of guns, &c. ,

28. For preventing or regulating fireworks and bonfires and the firing off of rockets, firecrackers and other explosives, and of all things which may cause accidents to persons or fires, or frighten horses ; Fireworks ;

29. For preventing and suppressing, on Sundays or days of obligation, all races with horses or other animals, on any race-course, or all other noisy amusements tending to attract large crowds or encourage betting ; Horse racing, &c. , on Sunday, &c. ,

30. For preventing and repressing burlesque serenades, charivaris, and other disorders disturbing the public peace ; Mock-serenades.

- Placards, &c. : 31. For preventing the posting, exposing, making or writing of placards, paintings, drawings, indecent words or writings on houses, walls or fences, and in streets or public places, as well as in the windows of any house, shop, tavern or establishment whatever ;
- Conduct of persons at railway stations. 32. For regulating the conduct and behavior of carters and other persons at the railway stations and steamboat landings in the city so as to protect travellers and maintain good order ;
- Numbering houses, &c. : 33. For numbering the houses and lots situate along the streets of the city, and giving names to public squares, streets, avenues and lanes ;
- Undertakers : 34. For imposing upon undertakers any due or tax it may deem expedient for carrying on that occupation ;
- Use of bicycles, &c. ; 35. For regulating the use of bicycles, automobiles and other similar vehicles, and determining the places, public squares, streets and avenues wherein they may or may not be used : for prohibiting any person mounted on such vehicles from trespassing on the sidewalks ; for punishing every violation of the by-laws of the council in this respect, and for imposing on every person using such bicycles, automobiles or similar vehicles on the highways and public places in the city, any due or tax fixed by the council ;
- Use of bridges &c. ; 36. For regulating and prohibiting the use of all bridges, viaducts, tunnels, drains, sewers, privies and cess-pools within the city, and in such portions of the city as it may designate ; for causing the removal of privies and cess-pools ; and for compelling sewer connection in such portions of the city, and for making the same, and for assessing the cost thereof on the property so connected ;
- Ringling of bells, &c. ; 37. For regulating or prohibiting the ringing of bells and whistling of factories, workshops and the discharge of steam, cinders, sparks and smoke therefrom ;
- Repairing ditches, &c., by railway companies ; 38. For requiring 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 the grounds, and so that the natural drainage of adjacent property and streets shall not be impeded in the limits of the city ;
- Pollution of water ; 39. For preventing the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the city ; for preventing the dumping of refuse or other matter therein.
- Billiard tables, &c. : 40. For permitting, regulating or prohibiting billiard-tables, pigeonhole-tables, bowling-alleys, shooting-galleries

and all public establishments for games and amusements, and for imposing a special tax on the same.

41. For licensing and regulating auctioneers, pawn- Auctioneers, brokers, second-hand dealers and junk dealers, and for com- &c. ; pelling all such persons to keep such records of their transactions as it may direct, and make report thereof ;

42. For licensing and regulating keepers of intelligence or Intelligence: employment offices, and all persons doing the business of offices, &c. ; seeking employment for others, and requiring such persons to keep such records as it may direct, and make report thereof ;

43. For licensing and regulating all peddlers, book-agents, Peddlers, &c. canvassers, street-hawkers, chimney-sweeps, vendors and public criers doing business in the city ;

44. For licensing and regulating butchers' stalls and shops, Butchers' and stands for the sale of game, poultry, meat, fish, fruit stalls, &c. ; and perishable provisions, outside the markets, whether by wholesale or retail ;

45. For licensing and regulating the keeping of dogs ; Dogs ; for preventing the same from running at large, and authorizing the destruction thereof in a summary manner ;

46. For providing for the inspection of all meats, poultry, Inspection of fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, meat, &c. ; milk products, fruit and other food products ; for providing for the seizure, confiscation and destruction of any such products as are unsound, spoiled or unwholesome ; for prohibiting the bringing into the city and the having or keeping such unsound, spoiled or unwholesome products ;

47. For inspecting and regulating ice-houses and public Ice-houses, dairies, and for granting licenses to milkmen and ice-dealers &c. ; within the limits of the city.

The council shall have the right to refuse milkmen's Refusal of licenses to milkmen in certain cases ; licenses to persons residing outside the city limits who refuse to allow their dairies to be inspected by the inspector or other person appointed by the council, or who neglect to conform to the regulations of the said council respecting the sale of milk ;

48. For regulating the height of all buildings and other Height of structures, for preventing the construction and maintenance of buildings, walls, chimney stacks and other structures not possessing the required solidity, and providing for their summary abatement or destruction ; for prescribing the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partition

and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus ; for regulating the architecture, dimensions and symmetry of buildings in certain streets ; for compelling the proprietors to submit the plans thereof and to obtain, before building, a certificate, in writing from the building inspector ; for prohibiting the construction of buildings and structures not conforming to such regulations, and directing the suspension at any time of the erection of any such building which does not conform to such regulations, and for causing the demolition thereof, if necessary ;

Lumber  
yards, &c. :

49. For regulating the location of lumber-yards and places for piling timber, wood and other combustible material, and the manner of piling the same ; and for requiring any person maintaining any lumber, shingle or lath piles or mill-wood yards in the city to remove the same when they become dangerous to buildings, structures or other neighboring property ;

Use of gas,  
&c. ;

50. For regulating and controlling the use of gas, electricity and electrical apparatus and other means and agents for furnishing light, heat and power in the city, and providing for the inspection of the same ;

Observance of  
Sunday ;

51. For making rules for the proper observance of Sunday ;

Sale of horses,  
&c. ;

52. For regulating the sale of horses, and imposing a tax on horses sold or exposed for sale by horse-dealers in the city ; and for fixing the dues to be paid therefor ; .

Cattle driving through  
streets, &c. ;

53. For regulating the manner and route in and by which horned cattle and other animals shall be driven in the city, the place where they shall be slaughtered and cut up, and the manner in which cattle intended for slaughter shall be disposed of ;

Inspection  
and slaughter  
of oxen, &c. ;

54. For ordering that all oxen, sheep and calves, the meat whereof is to be offered for sale by butchers, shall be inspected while alive by the health inspector and be slaughtered and cut up in the public abattoirs in the city.

Public abattoirs.

55. For establishing, regulating and managing public abattoirs, either within or without the limits of the city, determining the distance between such abattoirs and private houses, and prohibiting private abattoirs in the city ;

Street railway tracks in  
city streets  
and squares,  
&c. ;

56. For permitting, under such conditions and restrictions as the council may impose, the track of any street railway or other railway, or electric railway to be laid in the city ; for regulating the number of passengers to be carried in each car or vehicle used by such street railway or electric railway company ; for regulating the use of locomotives

engines driven by steam, or any other motive-power on any railway in the city ; for prescribing and regulating the speed of the cars ; and imposing penalties not to exceed four hundred dollars upon the company managing any such railway, or any of their servants, for each and every violation of any such by-law.

57. For regulating the erection, use or employment of steam-engines and steam-boilers, dynamos and other electric machines, and the qualification of the persons charged with the working of the same, their examination and license ; Erection, &c., of steam-engines, &c. ;

58. For regulating and requiring licenses to be obtained for the pursuit and prosecution of all occupations or kinds of business, not in this section expressly referred to and provided for. Licenses.

#### SECTION XXI

##### MARKETS

**166.** The council shall also have power to make by-laws : By-laws respecting :

1. For establishing new market places, maintaining or enlarging those now existing, paying all damages or costs of expropriation that may result therefrom ; Market-places, &c. ;

2. For determining and regulating the duties of the clerks of the markets or all other persons they may deem proper to employ in superintending the said markets ; and for letting the stalls or places for selling upon, in and about the said market places ; for fixing and determining the duties to be levied upon any persons selling on any of the said markets, any provisions or produce whatsoever ; for regulating the conduct of all such persons on the said markets ; for providing for the weighing or measuring, by the officers of the council named for that purpose, of all products or articles offered for sale, and establishing the fees to be paid for such weighing or measuring ; Duties of market-clerks, &c. ; Dues to be levied ; Weighing ;

3. For regulating the trade in meat on the city markets, determining what persons shall have the right to sell meat or offer it for sale on the said markets, and for defining in what the occupation of butcher shall consist under the terms of this charter and of the by-laws of the council ; for permitting farmers to sell on the said markets, on complying with the by-laws of the said city, all kinds of meat either by whole carcases, by quarters or by small pieces, and for restricting such permission by imposing the express condition that such meat shall be the produce of animals raised by the Trade in meat on market, &c. ;

vendor as a farmer on the farm worked by himself or on the lot on which his domicile is situated at the time of the sale, or owned by him during the time and in the manner set forth by the by-laws of the council or the produce of his hunting; and for imposing any other restriction it may deem advisable.

Arrest of  
offenders on  
view.

Every person infringing the above provisions or the by-laws passed in virtue thereof, may be arrested on view without a warrant by any police constable of the city and brought before the district magistrate or a justice of the peace for the district of Three Rivers to stand his trial.

Proof in such  
case ;

In all suits for infringement of the provisions of this paragraph or of the by-laws passed in virtue thereof, the corporation of the city shall not be bound to prove that the defendant sold or offered for sale any meat not the produce of animals raised on his farm or on his lot or owned by him or the produce of his hunting as above prescribed ; but in such suit the burden of the said proof shall be upon the defendant ; and the defendant and his wife shall be competent witnesses in such suit ;

Confiscation  
of articles,  
&c. ;

4. For authorizing the seizure and confiscation of grain, meat, fish, flour, butter, potatoes and all vegetables, fruit, and articles and effects brought into the city for sale, on account of short measure, weight or defective quality or for any other good and valid reason ;

Placing of  
vehicles ;

5. For regulating the placing of vehicles in which any articles shall be exposed for sale on the said markets ;

Sale of arti-  
cles elsewhere  
than on the  
markets ;

6. For preventing persons bringing meat or articles of any kind into the said city, from selling or exposing them for sale, in any place other than the markets of the said city, or for permitting the same ;

Weighing,  
&c., of pro-  
duce ;

7. For determining and regulating the weighing and measuring of all cord-wood, sawn wood, lumber, coals, salt, grain, lime, hay and straw, and other produce brought into or sold in the city, for determining in what manner such articles shall be sold and delivered and what dues must be paid, and for compelling all persons to observe the regulations of the council respecting business of such nature ;

Selling on  
markets  
by others  
than lessees  
of stalls.

8. For preventing every person who is not a lessee of a stall or place for selling upon, in and about the said markets from plying the trade of huckster on such markets ;

Sale of reve-  
nues of mar-  
kets.

9. For selling by public auction, after public notice, the market dues or daily revenues of the markets for a period not exceeding twelve months in the case of each sale.

Proviso.

But it shall be lawful for the council to retain possession of the said markets, if it prefer, and to collect the revenue thereof through its officers.

## SECTION XXII

## ROADS, STREETS, AND RIGHTS OF EXPROPRIATION

**167.** The council shall have power to purchase with the city funds, all the land and real estate it may deem necessary for opening and widening any street, public square or market, or for erecting a public building thereon or generally for any object of public utility for the use of the city or with a sanitary purpose. Power of council to acquire lands for public purposes.

**168.** When the proprietor of a lot which the council so wishes to purchase, refuses to sell, or is an absentee, a minor or unable for any reason whatsoever to enter into an agreement with the council, the latter may apply to a judge of the Superior Court of the district, to have an arbitrator appointed, to value the lot in question with the arbitrator to be appointed by the council. The said arbitrators, with whom the judge of the Superior Court may associate a third in case of difference of opinion, shall report on their valuation at a regular sitting of the council. Mode of acquiring on refusal to sell, &c. Arbitrators. Their report.

**169.** Should the council accept such valuation, it may take immediate possession of the lot, on depositing the amount of the valuation in the hands of the prothonotary of the Superior Court for the district of Three Rivers. Possession may be taken upon deposit of price.

**170.** Should the council refuse the valuation, it shall give notice thereof to the owner of the said lot or his representative within a delay of fifteen days from the receipt of the arbitrators' report by the council and pay to the said proprietor all damages the latter may have suffered. Such damages shall be assessed by the same arbitrators who valued the lot. Case where the council does not accept valuation.

**171.** In the event of the council accepting and of the delivery to the prothonotary of the amount determined by the arbitrators, the proprietor entitled to the said amount may claim the same from the prothonotary and have it handed to him at any time within six months from the date of the deposit, provided he has previously had a valid title deed made out in favor of the corporation for the expropriated piece of land. Payment to proprietor by prothonotary. Proviso.

At the expiration of the six months, the prothonotary shall repay the amount of such deposit, if it has not been withdrawn, to the city treasurer to be by him paid into the city funds. The said sum shall be reimbursable by the council to the party entitled thereto during the course of three months from the date of a claim duly filed with the mayor or city treasurer. If not drawn within certain time to be repaid to city, &c.

By-laws  
respecting :

**172.** The council shall also have power to make by-laws :

Roads,  
streets, lanes,  
&c. ;

Taxes for  
that purpose ;

1. For placing under the control of the said council any road, street, lane, sidewalk, brook, ditch, drain and bridge, or part of any road, street, lane, sidewalk, brook, ditch, drain and bridge, within the said city, and for opening, making, improving, repairing, maintaining, and keeping the same in good order ; and for imposing certain special taxes on all proprietors of any lands, lots or emplacements, bound by law or under any *procès-verbal* or by-law made by the said council, to open, make, improve, maintain and repair any such road, street, lane, sidewalk, brook, ditch, drain or bridge as the said council may so take under their control, and to levy, in whole or in part, all costs and expenses incurred for such purposes by the council. Such special tax shall be reckoned in proportion to the extent of any land so taxed along such road, street or lane, and to the extent of land crossed by such brook, ditch or drain ; and when and so soon as such roads, public squares, streets, lanes, sidewalks, streams, ditches, drains and bridges shall be placed under the control of the council, the persons obliged to make, improve, maintain, and repair the same shall be discharged therefrom, and the council shall alone then be held to open, make, improve, maintain, repair and keep the same in good order ;

Valuation of  
property in  
certain cases  
and taxes on  
the increase in  
value.

2. For causing to be valued by the assessors of the council the increase in value acquired by properties, the value of which is increased, or which shall have been benefited by the opening, extension or widening of any street, road or public square, and to impose a special tax or assessment on the properties so valued, for the purpose of causing to be paid by the proprietors of the said lands the fourth, or any other proportion less than one fourth, of the cost of such works or improvements, as the said council may deem just and fair ; provided that the amount that each proprietor shall be obliged to pay for any such improvements, shall not in all exceed twenty-five per cent. of the increased value given to his property by such improvements ; the surplus of the cost of such works or improvements shall be paid out of the general funds of the city ;

Roads, side-  
walks, &c. ;

3. For making, improving, repairing and maintaining all roads, streets, lanes, sidewalks, fences, ditches, bridges or drains, which the proprietor or possessor of any land in the said city may be obliged to make, improve, maintain and repair, and which such proprietor or possessor has neglected or refused to make, improve, repair or maintain, and to charge the costs against such property, and to recover the amount thereof in the manner provided for the payment of arrears of assessment.



Such costs shall be privileged claims against the land in question ; they may be recovered in the same manner as municipal taxes, and shall, in all cases of distribution of moneys, be allowed to the city council in preference to all other creditors, any law to the contrary notwithstanding ;

4. For regulating that the width of streets to be here- after opened in the said city shall not be less than thirty- six feet ; for widening, lengthening or closing any street, and for regulating and altering the height or the level of any street or sidewalk ; provided, that if any person shall suffer real damage, by the widening, lengthening, closing, or alter- ing the level of any street in the city, such damage shall be paid to such person after having been assessed by arbitrators, if any of the parties shall require it ;

5. For paving, macadamizing or planking all or any por- tion of the streets of the city, and paying the cost thereof out of the city funds ;

6. For regulating and prescribing the width of tires on the wheels of vehicles used in the city, and the maximum weight of a load to be drawn over any street in the city, and directing upon what streets heavily-loaded vehicles may be drawn, and from what streets, alleys and public places the same shall be excluded, and for licensing vehicles of every description ;

7. For obliging all proprietors or occupants of houses in the said city, to remove from the streets all encroachments or projections of any sort, such as steps, galleries, porches, posts and all other obstacles whatsoever ;

8. For causing to be pulled down, demolished and re- moved, when necessary, all old walls, chimneys and build- ings of any description, that may be in a ruinous state, and causing to be removed from the streets all sheds, stables, and other buildings on the line of any street, or in the immediate vicinity thereof, and determining the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne ;

9. For assessing proprietors of real property situate on any of the streets of the said city, for such sums as shall be deemed necessary for making or repairing any common sewer, in any of the streets of the said city, such assessment being in proportion to the assessed value of such property ; and for regulating the mode in which such assessment shall be collected ;

10. For assessing all proprietors, tenants or occupants of property situated in any street or public square of the said city, in any sums necessary to meet the expense of sweeping, city, in any sums necessary to meet the expense of sweeping,

Costs to be privileged claim against land, &c. ;

Width of streets, &c.

Indemnity ;

Paving, &c., streets, &c. ;

Width of tires on wheels of vehicles, maximum load, &c. ;

Encroach- ments on streets ;

Old walls, &c. ;

Assessment o proprietors for repairs to sewers, &c. ;

Tax for sweeping and watering streets ;

watering, and keeping clean, such street or public squares and for removing the snow from any such street, lane or public place, such assessment to be in proportion to the assessed value of such property ;

Horseback riding on sidewalks and cruelty to animals ; Obstructions in the street and their removal by order of the inspector ;

11. For preventing riding on horseback on the sidewalks of the said city, and the cruel treatment of horses or other animals ;

12. For compelling those who have or who may encroach on the streets or public squares of the city by houses, fences, erections or obstructions of any kind, to remove such encroachments or obstructions by granting such persons a reasonable delay which shall be specified by the city inspector in giving his notice ; and if such persons do not remove such encroachments or obstructions within the specified delay, the council may order the said inspector to remove them, taking sufficient assistance with him. The council may allow the inspector his reasonable expenses and recover them before any court of competent jurisdiction, from any person causing such encroachments or obstructions ;

Sidewalks, etc. ;

13. For ordering and regulating in all its details the construction and maintenance of the sidewalks along the streets ; for compelling the owners or occupants of properties to construct and maintain the same in accordance with the by-laws adopted, and for compelling them to keep the sidewalks along and in front of such properties free from all kinds of obstructions. The council is also authorized to provide for the removal of such obstructions at the expense of the proprietor or occupant, in the event of negligence or default on their part.

Use of pavements, etc. ;

14. For regulating the use of pavements, sidewalks, crossings and gutters, as well as the levels, curbs and other details connected therewith ;

Flying of flags, etc. ;

15. For regulating and preventing the flying of flags, banners and signs across the streets, alleys and public places, and for regulating, licensing, permitting or prohibiting 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 elsewhere ;

Banners, etc. ;

16. For regulating or prohibiting 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 ;

Rebuilding within line of street, etc.

17. For preventing every proprietor of a building on the line of a street or public square and which may be demolished or destroyed in any manner from rebuilding on the same place and in the same position as before.

In such cases the council may purchase the part of the lot which encroaches on the street or compel the proprietor to dispossess himself thereof on receiving compensation.

If there be a difference of opinion on the subject of such compensation, the council and the proprietor shall each choose an arbitrator, who may associate a third with themselves if need be, and who, after being sworn by a justice of the peace, taking cognizance of the matter in dispute and visiting the premises, shall establish the amount of the compensation and decide by whom the cost of the arbitration shall be paid ;

18. For prohibiting or licensing and regulating the sale or peddling of fruit, cakes, refreshments, jewellery, wares or products of any kind in the streets and public squares, or on the sidewalks of the city ;

19. For regulating the planting, maintenance and preservation of ornamental trees in the streets, parks, roads and public squares of the city ;

20. For causing winter roads to be laid out across any field or enclosure, excepting orchards, gardens and other grounds enclosed by hedges ;

21. For preventing obstructions of any kind in the streets, and for compelling all street railway or other companies under the control of the Legislature of the Province of Quebec, or electric tramway companies to erect gates with flagmen, at their expense, at places where the streets are crossed by the tracks, and for imposing a fine of twenty dollars for each day that they neglect or refuse so to do after being thereunto duly required ;

22. For preventing the obstruction of the streets by the cars and locomotives of any railway or tramway or by traction engines in the preceding paragraph mentioned, and or imposing on the owners thereof or on their employees a fine not exceeding twenty dollars for each infringement of the by-laws passed in that respect ;

23. For prescribing the manner of putting up signs, awnings or sign-posts, or awning posts in streets, alleys, sidewalks and public grounds, or for prohibiting the same.

24. For regulating the erection of poles and the hanging of wires for telegraph, telephone or electric light and power purposes or for any other purpose, across or along the streets, alleys and public squares ; for requiring that the poles already erected or the wires already stretched, be removed and placed in underground conduits, provided the city do construct the said conduits or conduits, for the use of which they shall have the right to levy an annual special tax on the said companies ; and for regulating and prohibiting

the establishment, construction and maintenance of bridges, tracks and tramways in, under, or over any street, alley or public square ;

Duty on  
poles, &c. ;

25. For exacting and collecting from all owners of poles and wires of any kind in streets and public squares, and in reference to which a permit has been granted, any tax or duty which the council may determine and may deem reasonable to impose, which however shall not exceed twenty-five cents per pole.

Permission  
required to  
build.

26. For compelling every proprietor or other person who wishes to erect a building on any street within the limits of the city, to apply to the council for permission to build and to follow the instructions of the council respecting the frontage of such building.

#### SECTION XXIII

#### SALE OF LIQUORS

Right of  
granting  
licenses.

**173.** The council shall alone continue to have the right of granting or delivering certificates, for the procuring of inn licenses, any law or custom to the contrary notwithstanding ; and such certificates shall be signed by the mayor and clerk of the said council, and be sealed with the common seal of the said council.

By-laws :

To prevent or  
authorize sale  
of liquors ;

To regulate  
shop-keepers,  
&c.

**174.** The council shall have power to make by-laws :

1. For prohibiting and restraining or permitting the sale of any spirituous, vinous, alcoholic or intoxicating liquor ;

2. For regulating and governing all shop-keepers, tavern-keepers, and other persons selling such liquors by retail in any place whatever, in such manner as it may deem expedient or conducive to the prevention of drunkenness.

#### SECTION XXIV

#### POLICE

Police.

**175.** The council shall have power to make by-laws for organizing, arming, lodging, clothing, paying and governing a police force in the city, and for determining the duties thereof.

Any constable  
may arrest  
certain  
offenders.

**176.** It shall be lawful for any constable to apprehend and arrest without a warrant all persons, whether residing or not in the city, who shall refuse to pay a licensed carter the value or price of hire of his horse or horses and vehicles ; and every such constable shall conduct such person to any

place of detention in the city, in order to the safe keeping of the said person, until he shall be brought before the district magistrate or a justice of the peace, to be dealt with according to law.

**177.** The policemen or constables of the city shall, in the performance of their duties, have all the powers and authority conferred upon constables or peace officers by the common law, by the criminal code and all other statutes providing for cases of arrest for contravention of any laws whatsoever or the by-laws in force in the city. They may arrest and take before the district magistrate or a justice of the peace any person contravening any law or any by-law of the city, to be then and there dealt with according to law.

Powers of policemen and constables.

**178.** It shall be lawful for any one of the members of the said council, individually, to order the immediate apprehension of any drunken, disorderly, or riotous person, whom he shall find disturbing the public peace, within the limits of the said city, and to confine him in a place of confinement in the city, in order that such person may be secured until he can be brought before a district magistrate or a justice of the peace, to be dealt with according to law.

Arrest of drunken persons, etc.

#### SECTION XXV

#### FIRES

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

By-laws :

1. For the better protection of the lives and property of the inhabitants of the said city, and for more effectually preventing accidents by fire ;

To protect property, &c., against fire ;

2. For preventing and hindering the construction or erection of any building of inflammable materials, or the renewal of the same in inflammable materials, within the limits of the said city, and to impose a penalty not exceeding twenty dollars for each day during which the parties shall infringe such by-laws ;

To prevent building being constructed of inflammable material ;

3. For regulating the construction, dimensions, and height of cut-fires and chimneys above the roofs, or even in certain cases above the cut-fires and chimneys of neighboring houses and buildings ; and determining at whose cost the elevation of such chimneys and cut-fires shall be raised, and within what delay they shall be raised or repaired ;

For regulating the construction of chimneys, &c. ;

4. For defraying out of the funds of the said city any expense that the council may deem necessary to incur for the purchase of fire-engines or apparatus of any kind for the same

For purchasing, &c., fire engines, &c. ;

use, or for taking such means as shall appear to it most effective for preventing accidents by fire, or arresting the progress of fires ;

Respecting  
sweeping of  
chimneys.

5. For regulating the manner in which and the periods of the year when chimneys shall be swept ; for granting licenses to such number of chimney-sweeps as the said council shall think proper to employ ; for obliging all proprietors, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney-sweeps ; and for fixing the rates to be paid for sweeping chimneys, either to the council or such licensed chimney-sweeps, which rates for chimney-sweeping, if paid to the council, shall be taken as municipal taxes :

Penalty in  
case of fire  
after refusal  
to have chim-  
ney swept :

6. For imposing 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, such penalty to be recovered before the district magistrate ; and whenever any chimney, which shall have caught fire as aforesaid, shall be common to several houses, or be used by several families in the same house, the said magistrate shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shewn, on proof before him ;

Respecting  
ashes, quick-  
lime and car-  
rying fire, &c. ;

7. For regulating the manner in which ashes and quick-lime shall be kept in the said city, and for preventing all the inhabitants of the said city from carrying fire in the streets without necessary precautions, from making a fire in any street, from going from their houses to the out-buildings in their yards, and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as it may deem necessary for preventing or diminishing accidents by fire ;

Regulating  
conduct of  
persons at  
fires, and  
means of ar-  
resting fires ;  
To help per-  
sons wounded,  
&c., at fires  
or their  
families :

8. For regulating the conduct of all persons present at any fire in the city, and for compelling all the inhabitants of the said city to keep ladders, at all times, upon their houses, in order to arrest more easily the progress of fires ;

9. For defraying out of the funds of the city, any expense which the said council shall deem expedient to incur, in aiding or assisting any person employed by the chief of police or superintendent of the fire department, who shall have received any wound or contracted any serious disease at any fire, or in assisting or providing for the family of its employees who shall perish at any fire, or in bestowing rewards, in money or otherwise, upon persons who shall have been particularly useful, or who shall have specially exerted themselves, at any fire ;

10. For vesting, in the members of the council, the chief of police and the fire superintendents, the power of ordering to be demolished during any fire, any houses, buildings, outhouses, or fences which might serve as fuel to the fire, and endanger other property of the inhabitants of the said city ;

To grant power to demolish houses in order to arrest a fire.

11. For appointing all such officers as the said council shall deem necessary for carrying into execution the by-laws to be passed by it in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if it thinks fit, out of the funds of the said city ;

To appoint, &c., officers of fire department.

12. For fixing the places for the erection in the city of manufactories or machinery worked by steam, electricity, gas or any inflammable substance ;

To fix site of factories, &c.;

13. For authorizing any officer of the council to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings, for the purpose of ascertaining whether the by-laws respecting protection against fire, passed by the said council, are regularly observed ;

To empower officers to examine houses, &c. ;

14. For prohibiting, regulating or authorizing the storage of gunpowder, dynamite, petroleum, coal-oil, naphtha, benzine, gasoline, and the storage of barrels or other vessels for oil or inflammable matters, whether empty or full, and other inflammable materials or explosive substances, and for determining the quantity that may be kept, and for imposing a special tax for such storage ;

For storage of gunpowder, &c. ;

15. For preventing thefts at fires, and for punishing any person who shall resist any member or employee of the said council, in the execution of any power vested in him by any by-law for preventing danger by fire ;

For protection of property at fires, &c. ;

16. For organizing, maintaining and regulating a fire department and fire brigade, and equipping and maintaining the same with all necessary appliances by purchase or lease ; for appointing 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.

For organization of fire department.

#### SECTION XXVI

#### HEALTH

**180.** The said council shall also have power to make by-laws :

By-laws respecting ;

1. For fixing and regulating the places in which interments may take place within the city, except in churches set apart for public worship which are hereby exempted from the jurisdiction of the council, and for compelling the taking up of any bodies interred within the said limits contrary to this provision ;

Burials ;

Stagnant  
waters ;

2. For compelling the proprietors or occupants of lots of land in the said city, having stagnant water thereupon, to drain or raise such lands so that the neighbors may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no representative in the city, it shall be lawful for the said council to order the said lands to be drained, or raised, or to fence in and enclose them at their cost ; the said council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence the same ; and in every case the sum expended by the said council in improving such lands, shall remain as a special hypothec on such lands, and have privilege over all other debts whatsoever, without it being necessary to register the same ;

Board of  
health, &c. :

3. For establishing a board of health, and investing it with all the privileges, powers, and authority necessary for the fulfilment of the duties entrusted to it, or for acquiring every useful information on the progress or general effects of all contagious diseases, and for making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases, or for diminishing the effects or the danger thereof ;

Animals  
attacked by  
disease ;

4. For ordering any animal attacked by a contagious disease to be killed at any place in the city, on a certificate from a veterinary surgeon or health officer appointed by the council ;

Cruelty to  
animals ;

5. For preventing all ill-treatment and cruelty to animals within the limits of the city, and for punishing persons guilty of the same ;

Deposit of  
dead bodies  
in city limits ;

6. For preventing any person from bringing into or depositing or leaving within the limits of the city any dead body or carcase, together with any matter or thing on the point of becoming unwholesome, and for causing the same to be removed by the proprietor or occupant of any place where they may be found ;

Engines,  
factories, &c. ;

7. For prohibiting or regulating the erection, use or employment of any engines, factories, industries or processes of a nature to vitiate the air or inconvenience the neighborhood, or any butchers' shops, slaughter-houses and establishments in which work is done or processes are carried on which expose or tend to endanger public health or safety ;

Civichospital;

8. For erecting, building or renting, out of the city funds, a house to serve as a civic hospital and dispensary, and for providing for the administration and government of such establishment ;



9. For regulating 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. Tenement- and lodging-houses.

## SECTION XXVII

## JUDICIAL AUTHORITY OF BY-LAWS AND OTHER PROVISIONS CONCERNING THE SAME

**181.** All by-laws passed by the council shall be deemed to be public laws in the city, and as such shall be judicially observed and enforced by all judges and courts, without being specially cited or pleaded. By-laws to be public laws within city.

**182.** No by-law made by the council shall be valid unless it has been read and adopted at one of the meetings of the said council and unless a notice of motion for its adoption has been given at least eight days beforehand ; but it shall not be necessary, in any action, to prove that the formalities have been complied with, unless it has been specially denied. The notice of motion shall indicate summarily the nature of the by-law to be proposed. Formalities to be observed in passing by-laws.

**183.** The validity of a by-law passed by the council cannot be attacked, whether by incidental proceedings or otherwise, except within the six months of its coming into force. Prescription of action to attack by-law.

**184.** The existence or the legality of the statutes and by-laws made by the council and invoked in any action or judicial proceeding, shall be considered as admitted unless it has been specially denied. Legality of by-laws, &c., presumed.

**185.** Every by-law passed by the council shall come into force on the day mentioned therein without its being necessary to publish or post it up. Coming into force of by-laws.

**186.** Whenever the council shall have passed a by-law affecting real estate in the city, it shall submit the same to the approval of the rate-payers ; but the proprietors of real estate in the city of the value of at least two hundred dollars according to the valuation roll then in force, shall alone be entitled to vote on any such by-law. Right to vote reserved to certain proprietors of real estate in certain cases.

**187.** A list of the said proprietors shall be prepared by the city-clerk and shall be posted, revised and corrected in the same manner as the lists of electors at the annual municipal elections of the said city. List of proprietors.

When to be made.

**188.** Nevertheless, such list shall be made only in case when qualified property owners object to the approval of the by-law and where a poll upon such by-law is demanded, in writing, by at least twenty-five of such property owners, at a public meeting presided over by the mayor, and convened in the same manner, at the same place and within the same delays as the public meetings of the municipal electors of the city by the mayor or clerk, within the ten days following the passing of the by-law by the council, or when a demand for a poll is filed, within the same delay, in the hands of the clerk by at least twenty-five proprietors qualified as aforesaid.

If no poll, by-law deemed to be confirmed and minutes reported to council, &c.

**189.** When no poll is demanded, the by-law shall be deemed to be confirmed by the people, and the minutes of the meeting, signed by the mayor and the clerk, shall be reported to the council at its next sitting, to be there read and deposited among the archives.

If poll demanded.

**190.** If a poll be demanded, it shall be held, and the day and place shall be specified by the council.

When to be held.

It shall commence at nine o'clock in the morning and be concluded on the same day at five o'clock in the evening.

Who presides.

**191.** The poll shall be presided over by the mayor, and the clerk shall act as poll-clerk.

Voting.

Each elector shall present himself in turn and give his vote by "yea" or by "nay"; the word "yea" meaning that he approves the by-law submitted, and the word "nay" that he disapproves of the same.

Who is entitled to vote.

**192.** The vote of no person shall be received unless it appears from the list drawn up for the purpose that he is qualified to vote on the by-law in question.

Counting of votes.

**193.** At the close of the poll, the mayor shall count the "yeas" and the "nays"; shall verify the value of the real estate belonging to each of the voters by means of the valuation roll, and shall draw up a certificate establishing the number of "yeas" with the value of real estate they represent, and the number of "nays" with the value of the real estate they also represent. Such certificate, establishing the result

Certificate.

of the voting shall be signed by the mayor and countersigned by the poll-clerk and be laid before the council at its first sitting after the poll.

By whom signed.

Number required to approve.

**194.** To have force and effect, the by-law so submitted to the electors must be approved by the votes of two thirds in number and the majority in real estate value of the proprietors who have voted.

**195.** When a poll is held, notice of the day, place and hour of the poll shall be given and posted up at least eight days before the poll. Publication of notice of polling.

**196.** The council may impose, by any of the by-laws which it may enact in accordance with the powers granted it by this charter, for every infraction of the by-laws above mentioned either a fine, with or without costs, or imprisonment; but except where it is otherwise provided in this charter, such fine shall not exceed twenty dollars and such imprisonment shall not exceed two months and shall be in the discretion of the court. Penalties under by-laws.

**197.** In the case of a fine, imprisonment for not more than two months may be ordered in default of immediate payment of such fine. Imprisonment if fine unpaid.

#### SECTION XXVIII

#### WATER-WORKS

**198.** The corporation of the city shall continue to own the Three River's water-works which it acquired heretofore by contract, and to enjoy all the rights, powers and privileges vested in it by sections 82 and 83 of the act of the Legislature of the Province of Quebec 38 Victoria, chapter 76, as purchaser of the rights, powers and privileges of "the Water-Work's Company of Three Rivers." Water-works.

**199.** The city council may, itself or through other persons or companies, continue to maintain the said water-works in operation; it may improve and enlarge the same or construct new works with the city funds, as need may arise and as it may deem expedient. Maintenance of water-works, &c.

**200.** The council shall have power to regulate the rates for water supplied by the said water-works, as well as the time and manner in which the same shall be payable, and determine from which persons the said rates shall be exigible whether they be proprietors, tenants or occupants under any title whatever. Water-rates.

**201.** The rates for supplying water from the said water-works shall be collected in the same manner as municipal taxes and assessments, and shall be levied both upon those who consent and those who refuse to allow the pipes or conduits for water from the said water-works to be introduced into their houses, shops, stores, offices, places of business or other buildings or all places to which water may be supplied. Collection of rates.

Cost of introducing water pipes.

**202.** The cost of introducing the said pipes into the houses, stores, shops, offices, places of business and other buildings shall be borne by the council of the city, but the distribution of the water inside the buildings shall be paid for by the proprietor or the occupant.

Proviso.

Nevertheless, in every case where such house, building or place of business is built at a distance of more than ten feet from the line of the public street in which the water mains are situated, the cost of introducing the water for the distance exceeding such ten feet shall be borne by the proprietor or the occupant.

Notice in case water recently introduced.

**203.** In the case of districts wherein water is recently introduced for distribution, the council shall notify the proprietors or occupants either by a written notice left at the residence of each one or by a notice posted up in any said district or called out by a public crier, that it is prepared to supply water, and the rates shall be payable only from and after the date of such notice.

Rates then payable.

*Pro rata* payment in certain cases.

If such date does not coincide with the first day of a regular term of payment, the rate shall be payable *pro rata* for the number of days remaining to run in such term.

Deduction by tenant from rent in certain cases.

**204.** When the proprietor of a house, store, shop, office, or other building refuses or neglects to pay the necessary expenses for distributing water in any such building liable for the payment of water-rates, and the corporation exacts the payment of the water-rate or assessment from the tenant, the said tenant shall have the right to deduct and retain the amount so paid by him for such assessment from the amount of the rent he is bound to pay, unless he be bound towards the said proprietor, by his lease or otherwise, to pay the necessary expenses for distributing the said water.

Special agreement with certain persons for supply of water

**205.** The council shall also have power to enter into special agreements with the interested parties for supplying water for the use of steam-engines, baths, breweries, distilleries, factories, livery-stables, hotels and in all other special cases; and in every case where the person who shall receive or shall have the right to receive water from the said water-works, shall neglect or refuse to pay an assessment exigible in virtue of this act, within the delays determined by the council it shall be lawful for the council to cut off the water from the building belonging to such person and to cease to supply him with water; but such person shall nevertheless continue to be responsible for the payment of arrears, if any, and shall be bound to pay them as well as all taxes or assessments which shall thereafter become due under the agreement between him and the council.

**206.** The council shall have power to make by-laws : By-laws for :

1. For preventing every tenant, holder or occupant of any house or other building supplied with water from the water-works from selling or giving or allowing it to be taken and carried away or used by others or for the use or advantage of any other than himself, or for increasing the supply of water agreed upon with the council or with any of its members or officers authorized to enter into such agreement, or from wasting the said water through malice or neglect ;

Preventing tenants, &c., supplying water to others;

2. For regulating the time, manner and nature of the water supply to be given from the water-works ; for determining the properties and individuals to which it shall be supplied and the rate to be charged, as well as all other things concerning the distribution to the inhabitants of the city of a regular and abundant supply of pure and wholesome water, and the necessary measures for preventing the city from being defrauded in the distribution of water.

Regulating supply of water, &c.

**207.** Whosoever shall lay or cause any private pipe to be laid to connect with the city water mains or shall use the water of the city without its consent, shall be liable to a fine of one hundred dollars, and an additional fine of four dollars for every day that such pipe shall remain connected with the city water mains, the whole payable to the corporation of the city and recoverable by it by civil suit before any court in this province having jurisdiction to that amount.

Penalty for connecting with city water-pipes.

**208.** The sums due to the council for water supplied to the proprietor or tenants of any land in the city, shall be privileged debts against such land, and may be charged against the proprietor of such land and levied on his goods and chattels, saving the recourse of the proprietor against his tenant, which recourse shall be secured by the landlord's privilege.

Water-rates privileged and from whom rates may be collected.

**209.** All revenues arising from the said water-works shall form a special fund, separate from the other revenues of the said city, and shall be first applied to the liquidation of the debts contracted or to be contracted for the purchase, repair, improvement or extension of the said water-works, and to the payment of the interest on such debts, and the surplus if any shall be paid into the general funds of the city.

Application of revenues from water-works.

**210.** The council shall have power to issue, from time to time, bonds or debentures for the expenses entailed by the maintenance, repair, improvement, increase or reconstruction of the said water-works, and to impose a special tax,

Power to issue bonds, &c., for water-works.

based upon the value of the properties as established by the valuation roll of the city, sufficient to pay the yearly interest on the said debentures and to constitute the sinking fund necessary for extinguishing the same at maturity.

## SECTION XXIX

## SEWERS

Power to  
construct  
drains, &c.

**211.** The council shall have power to construct all sewers and drains which it may deem necessary for the salubrity of the city and the convenience of its inhabitants and also to maintain and extend those already in existence.

Power to  
issue bonds  
and levy  
taxes for  
such pur-  
pose.

**212.** The council shall have power to issue bonds and debentures, from time to time, to pay the cost of such sewers, and to impose on the proprietors interested a special tax based on the value of their properties as established by the valuation roll, sufficient to pay the yearly interest on such bonds as well as the amount fixed for their sinking fund.

## SECTION XXX

## ST. MAURICE BRIDGES

City to con-  
tinue to own  
St. Maurice  
bridges.

Power to  
maintain,  
repair, &c.  
the same and  
make by-laws  
for manage-  
ment, &c.

**213.** The corporation of the city shall continue to own the toll-bridges, erected over the river St. Maurice, known under the name of "St. Maurice bridges."

It shall have power and it shall be its duty to maintain, repair, improve and rebuild them when necessary, with the city funds, and to make by-laws for such purposes, as well as for the management, use, government, protection and preservation of the said bridges. But the corporation cannot at any time sell the property in such bridges.

Power to  
make tariff,  
from time to  
time.

Approval of  
Lieutenant-  
Governor re-  
quired to  
raise tariff.  
Tariff.

**214.** The council may establish a tariff and, from time to time, fix the rate of tolls on such bridges and increase or diminish the same as it may deem advisable. But it cannot, at any time, raise the rates specified below without previously obtaining the approval of the Lieutenant-Governor in council :

For each vehicle drawn by a horse or ox or for each automobile.....	30cts.
For each vehicle drawn by two horses or oxen.....	35 "
For each vehicle drawn by three horses or oxen.....	45 "
For each vehicle drawn by four horses or oxen.....	55 "
For each horse, ox or cow not in draught.....	5 "
For each sheep, pig or calf.....	2 "

For each horse with its rider .....	10cts.
For each foot-passenger .....	5 "
For each person with a bicycle .....	5 "
For every electric tramway or other railway car moved by electricity or other motive power, both ways..	\$3.00

The above rates shall cover the passage of persons, animals and vehicles, both ways, over the said bridges. What to cover.

The council shall have the right to fix rates of toll for passages one way only, and fix special rates or make special contracts with all tramway or car companies moved by electricity, steam or otherwise. Passage for one way.

**215.** It shall be lawful for the council, after public notice during one month in a newspaper of the city, to sell, by auction, the revenues of the said bridges for a period not exceeding two years, and to fix the upset price of such revenues at not less than four thousand dollars per annum, or, if it prefer, to retain possession of the said bridges and to continue to collect the tolls thereon. Revenues of bridges may be sold.

**216.** The council may impose fines for any infringement of the by-laws respecting the said bridges, as well as for any infringement of the tariff established by it. Fines respecting bridges, &c.

**217.** The council shall have power to build any other bridges it may deem necessary over the river St. Maurice or any of its branches within the limits of the city, with the city funds, and also to maintain, manage and regulate them with the same authority, the same rights and privileges as those conferred upon it for the "St. Maurice bridges" mentioned in the title of this section. Other bridges may be built.

**218.** The council shall have power to issue bonds or debentures to pay the expense of building, rebuilding, or of extensive repairs to the St. Maurice bridges when the same may be necessary, and to levy a special tax based on the value of the properties in the city as established by the valuation roll, sufficient to pay the yearly interest on such debentures and to form the sinking fund necessary for their redemption at maturity. Power to issue bonds, for building, &c., bridges.

#### SECTION XXXI

#### FERRIES

**219.** The exclusive right of granting licenses or permits for ferries, between the city and the south shore of the river St. Lawrence, as well as between the city and the parish of Ste. Marie Madeleine du Cap de la Madeleine, shall belong to the council of the city, which shall in return be bound to maintain the winter roads which it may deem necessary on the said ferries. Exclusive right to grant ferry licenses.

Conditions,  
&c.

**220.** The council shall grant the said licenses for ferries on such conditions, obligations and restrictions as it may establish by by-law for that purpose, and may, by the same by-law establish a tariff or tariffs of rates of toll for ferries mentioned in the article immediately preceding.

Exclusive  
power of coun-  
cil to auction  
licenses for  
certain fer-  
ries.

**221.** The council shall likewise have the exclusive power of selling by auction licenses for ferries between the city and the south shore of the river St. Lawrence and between the city and the parish of Ste. Marie Madeleine du Cap de la Madeleine, under such conditions, obligations and restrictions as it may establish by by-law to that effect.

#### SECTION XXXII

#### SCHOOLS

Mayor and  
aldermen are  
*ex-officio*  
school com-  
missioners.

**222.** All the powers and duties of the school commissioners for the school municipality of the city of Three Rivers, shall continue to be exercised by the mayor and aldermen of the said city, who shall be *ex-officio* school commissioners for the city of Three Rivers, and their corporate name when acting as such commissioners, shall be "The School Commissioners for the city of Three Rivers."

Privileges of  
dissentients.

**223.** Nothing contained in this act shall prejudice the rights and privileges of non-catholics, who shall continue and remain in all respects as if the provisions of this chapter respecting schools had not been passed.

No dissen-  
tient alder-  
man can be a  
school com-  
missioner.

**224.** No alderman, being a dissentient, shall act as a school commissioner, in case there shall be one or more dissentient schools in operation in the said city; but the other members of the said council, or the majority thereof, shall act as such commissioners.

Mayor, unless  
a dissentient,  
shall be chair-  
man.

**225.** The mayor shall *de jure* be the chairman of the school commissioners for the city if he be a catholic, but if he be a non-catholic or a dissentient, the other catholic members of the city council shall select one of their number to be chairman.

City-clerk,  
unless a dis-  
sident, shall  
be secretary.

**226.** No one can be appointed secretary of the school commissioners unless he be a catholic, and the city-clerk shall *de jure* be the secretary of the commissioners, if he be a catholic, and if he be not, the commissioners shall appoint another person to fill the office.

Who shall be  
treasurer.

The city treasurer shall likewise *de jure* be the treasurer of the said school commissioners and the collector and depository of all sums payable and belonging to the school commissioners.



**227.** In order to realize the funds required to meet the necessary expenses, and the obligations already contracted or which may hereafter be contracted and for all other requirements arising from the exercise of their jurisdiction, the school commissioners for the city of Three Rivers shall have the right to levy and collect yearly upon the immoveable property in the city the taxes hereinafter indicated :

School commissioners may levy taxes :

1. Upon every land or real estate, town lot or portion of a lot, whether or not there are houses or buildings erected thereon, an annual tax not exceeding fifty cents per hundred dollars of their real value as entered upon the valuation roll of the city ;

Upon real estate :

2. Upon all tenants in the city, an annual tax not to exceed four cents in the dollar upon the amount of the rental ; and every person occupying an immoveable of which he is neither the proprietor nor a tenant, is bound to pay such tax, according to the value of the rental of such immoveable as borne upon the valuation roll of the city.

Upon tenants, &c.

Nevertheless this article shall not apply to the property exempted from taxation by article 251 of this act.

Certain property exempted.

**228.** Every one liable for the payment of school taxes, who, after the passing of this act, shall not be recognized as a dissident by the school commissioners, and who desires to be recognized as such, shall give notice thereof in writing to the secretary of the said school commissioners, and every such person, not giving such notice, shall be obliged to pay the said school taxes and contributions.

Person who desires to be dissident.

**229.** The school-commissioners, represented and acting by and through the catholic members of the city council, as above prescribed, shall have the right to contract loans for the payment of their debts or to effect the conversion or consolidation thereof, for maintaining, improving, enlarging or rebuilding the school houses of the city, or for building new ones, for purchasing the land needed for the purpose, and generally for all purposes within their jurisdiction.

Power of school commissioners to contract loans for certain purposes.

They are hereby specially authorized to borrow eight thousand dollars to be applied to the payment of the construction of the school-house in Notre-Dame ward, and the maintenance and repair of school houses generally in the city.

Special authorization to borrow.

**230.** The said loans shall be effected by means of bonds or debentures, the issue whereof shall be effected in accordance with the provisions prescribed in this charter for the issue of bonds in connection with municipal loans, with this difference only that the moneys required for the sinking fund, for the payment of interest and the redemption of the

Bonds for such purpose.

capital at maturity, shall be taken out of the funds of the school commissioners and not out of the municipal funds of the city.

Separate collection roll for school taxes not necessary.

Entry in ordinary roll.

**231.** It shall not be necessary to have a separate collection roll made for the school taxes, nor to give notice at the door of the parish church of the city that the collection roll of the said assessments is completed.

The said assessments may be entered in separate columns of the collection roll for the municipal taxes and assessments of the city, and the notice published in one or more newspapers of the city respecting the said collection roll, shall be deemed to apply to the school taxes as well as to the municipal taxes.

Discount on taxes for payment within certain time.

**232.** The school commissioners of the city may grant a remission, not exceeding ten per cent. upon all taxes and assessments entered in the collection roll and which shall have been paid within the twenty days following the public notice given by the city treasurer under the provisions of this charter announcing that the collection roll is completed and deposited.

Interest on arrears.

**233.** The school commissioners of the city may exact and collect six per cent. for each year of arrears of such taxes and assessments, as well as upon each year of arrears of interest due in virtue of any obligation, agreement or contract whatsoever, and may exact a rate of interest of six per cent. per annum upon every sum of money paid out by them for the benefit of any person, in accordance with the provisions of the law or of any by-law passed by the said commissioners, or of any obligation, agreement or contract whatsoever, and upon the amount of any judgment obtained by the said commissioners before any court of justice.

Monthly contributions.

**234.** The monthly contribution payable by children attending the schools under the control of the school commissioners of the city, shall belong to the commissioners and be payable in the manner and at the dates determined by a resolution to that effect.

#### SECTION XXXIII.

#### LOANS AND DEBENTURES.

Council's power to contract loans for certain purposes.

**235.** The council shall have power to contract loans for works, improvements, subsidies and all objects of public utility, for paying its debts or effecting the conversion or consolidation thereof, and generally for all purposes within its jurisdiction.

**236.** The total amount of the city's loans shall not attain such a figure that the aggregate amount of the annual interest and sinking fund of such loans shall exceed one half the annual revenue of the city. Limit of borrowing power.

**237.** The said loans shall be effected by the issue of bonds or debentures. Loans how effected.

**238.** Such bonds or debentures shall be issued under the signature of the mayor, the countersignature of the treasurer, and the seal of the corporation of the city. They shall bear interest payable half-yearly at such dates as may be agreed upon, and the rate of such interest shall not exceed five per cent. per annum. Bonds how issued. Interest thereon.

**239.** The said debentures shall be payable to bearer or to order, within a specified number of years, either in this Province or elsewhere, as the council may order; and coupons to the amount of the half yearly interest thereon may be annexed to all such bonds or debentures; which coupons, signed by the treasurer, shall be respectively payable to the bearers thereof when and so soon as the half yearly interest thereon shall become due; and the possession of every such coupon by the corporation shall be *prima facie* evidence that the half yearly interest mentioned thereon has been paid according to the tenor of such bond or debenture; and all such bonds or debentures, principal as well as interest, shall be secured by privilege upon the immoveable properties of the said corporation. Form of bonds, &c.

**240.** Nevertheless, the foregoing provisions respecting the manner of effecting the loans shall not have the effect of preventing the council from contracting, by promissory notes or otherwise, any temporary loans which it may deem necessary for meeting the urgent requirements of the city's administration, provided such loan does not exceed twenty thousand dollars. Temporary loans.

**241.** Nothing in this act shall have the effect of annulling or rendering illegal any issue of bonds or debentures that may have taken place or have been allowed by any of the previous acts respecting the city of Three Rivers, or of diminishing or restricting the privileges securing such bonds or debentures. Existing bonds or debentures, &c.

**242.** It shall be the duty of the treasurer of the council to take, each year, out of the funds of the city, before the payment of any appropriation whatever for other purposes, a sum of money equal to one per cent. or more Sinking fund.

Investment thereof. on the amount of the bonds or debentures, issued by the corporation of the city ; to keep such sum separate and to invest it, according to the orders of the said council, either in securities of the Dominion of Canada or of the government of this Province ; and such sum shall serve solely as a sinking fund, required for the extinction of the debt created by the issuing of the said bonds or debentures.

Semi-annual interest of the debt. **243.** It shall be the duty of the treasurer to take, at the same time, out of the funds of the city, before the payment of any appropriation whatever for other purposes, a sum of money sufficient for the payment of the semi-annual interest becoming due on the debt created by the issuing of the said bonds or debentures.

Application of proceeds of bonds. **244.** It shall not be lawful for the corporation of the city to devote any portion of the proceeds of the debentures issued under this charter, to any other purpose than that set forth in such debentures, and none of such debentures can be validly pledged or given as collateral security by the corporation. Any member of the city council and any officer or employee of the city corporation, who shall directly or indirectly contribute to the employment of the said debentures or the proceeds thereof for any other purpose than that indicated therein, shall incur a fine not exceeding fifty dollars, recoverable by action of debt before any court having jurisdiction to that amount, by any person who may sue for the recovery thereof and to an imprisonment not exceeding one year in the common gaol in default of payment of the fine, and further such members of the council, officers or employees of the corporation shall be personally, jointly and severally responsible towards the city for every sum diverted from its proper destination.

Penalty if otherwise applied.

Duty of treasurer. **245.** The treasurer shall place before the council, at its first meeting in the month of January in each year, a certificate signed by him, and countersigned by the mayor, certifying that he has faithfully performed the duties imposed upon him, as above, and in default of his so doing, the said treasurer shall *ipso facto* be liable towards the said corporation to a fine of two hundred dollars, which shall be recoverable before any court of competent jurisdiction by action of debt, instituted by the said corporation, and the said fine shall form part of the said sinking fund.

Duty of members of council. **246.** Every member of the council is bound to see that the provisions of this section are strictly carried out each year in the manner and at the time prescribed.

**247.** The corporation of the city of Three Rivers is hereby specially authorized to borrow the amounts hereinafter set forth: Power granted to borrow certain sums for :

1. One hundred and twenty-five thousand dollars to be exclusively expended in the construction of the St. Maurice bridges in the city ; St. Maurice bridges ;

2. Thirty thousand dollars to be exclusively expended in paving or macadamizing the streets of the city ; Paving streets ;

3. Twenty-five thousand dollars to be exclusively applied to necessary works for drainage and sewage ; Drainage ;

4. Twenty-five thousand dollars to be exclusively applied to the improvement and to continue the construction of the water-works. Water-works.

For the purpose of effecting such loans or any portion thereof, the corporation of the city may issue debentures redeemable in thirty years at the least and sixty-five years at the most from the date of their issue, and bearing interest not exceeding five per cent per annum, payable half-yearly. Debentures for such purpose.

Such debentures may be issued by the city corporation as it may deem necessary for the purposes aforesaid, for such amounts payable, either in the Province or elsewhere, at such dates and in such manner as may be agreed upon with the holders of such debentures. When issued.

Such debentures shall bear the seal of the corporation, shall be signed by the mayor, countersigned by the city treasurer and be registered by the latter in a register kept by him for the purpose. They shall be issued in accordance with the other provisions above set forth in this section. Form of debentures.

#### SECTION XXXIV

#### TAXES AND ASSESSMENTS

**248.** In order to provide the necessary funds to meet the expenses of the council, and to provide for the several necessary public improvements in the said city, the city council shall have power to impose and levy annually, on persons and on moveable and immoveable property in the city, the taxes hereinafter designated, to wit: Annual taxes:

On lands or real estate, city lots or parts of lots whether any buildings be or be not erected thereon, an annual sum not exceeding one per cent. of their real value as set forth on the valuation roll of the city. On real estate.

**249.** Nevertheless, real estate or immoveables on the islands of the river St. Maurice, included within the city limits, shall not be taxed for an annual sum, exceeding eighty cents per one hundred dollars of their real value as shown on the valuation roll. Tax upon immoveables on islands in St. Maurice.

Farming  
lands.

**250.** All land under cultivation or farmed out, or used as pasture for cattle, as well as all uncleared land or wood lots, within the limits of the city, shall be taxed under this charter for an amount not exceeding eighty cents per one hundred dollars.

Amendments  
to roll.

The council shall have power to cause to be added to and struck from 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 may be detached therefrom as a city 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.

Idem.

If, after the homologation of the valuation roll, any real property becomes occupied by one or more tenants, the council shall, on demand, cause to be added to the valuation roll at any time, by the assessors in office, the value of the part occupied by such tenant or tenants.

Property ex-  
empt from  
taxation.

**251.** The following properties shall be exempt from taxation in the city of Three Rivers :

All lands and property belonging to His Majesty, his heirs or successors, held by a public body or by any person for the use of His Majesty, his heirs or successors.

All provincial properties and buildings ;

All premises used for public worship and all cemeteries ;

All public school houses and the grounds on which they are built ;

All houses or public establishments of education as well as the grounds on which they are built ;

All buildings, grounds and property occupied or owned by hospitals or other charitable institutions ;

All courts of justice or district gaols with their grounds ;

Proviso.

Provided always that such exemption shall not apply to the lots or edifices built on lots, rented or occupied by tenants under the government or ordnance department in the city ; and such lots belonging to the government or ordnance department, or to religious corporations and occupied by tenants shall be valued and assessed in the same manner as other real estate in the city, and the taxes thereon shall be paid by the said lessees or occupants.

Such exemp-  
tion not to  
relieve the  
owners, &c.,  
from certain  
obligations.

The provisions of this section shall not be interpreted as relieving the owners, holders or occupants of the said properties from the obligation of maintaining and repairing the sidewalks, streets and roads in front of or along the said properties, and to which all other owners, holders or occupants of lots in the said city are liable, nor from that of paying the taxes for drainage, paving, water and light.

**252.** Every engine, machinery, mechanism, plant and apparatus of any kind used in producing or applying motive power, light, heat, electricity, water and gas in the city shall be considered as moveable property for the purposes of assessment; and the council shall have power to impose and levy an annual tax, to be determined by a by-law to that effect, upon the said engine, machinery, mechanism, plant and apparatus, not exceeding one per cent. of the real value.

Certain machinery to be considered as moveables.

Tax thereon.

**253.** The foregoing provision shall likewise apply to wires, rails and other materials used in the city for the transmission of motive power, light, heat, water, electricity and gas, or for traction purposes generally.

Art. 252 applies to wires, &c.

**254.** The council shall have power to impose and levy :

Power to levy taxes on : Stocks in trade, &c. ;

1. On the stock in trade of all descriptions, kept by merchants and dealers, and exposed for sale in shops, or kept in vaults or store-houses, on all yards or depots for rough, sawn or manufactured wood or lumber, and on all yards or depots for coal or other articles of commerce, kept for sale, a tax of one eighth per cent. on the average estimated value of such stocks in trade or other articles of commerce or trade ;

2. On all tenants paying rent in the city an annual tax not exceeding eight cents in the dollar on the amount of their rent, excepting tenants paying rent on the islands in the St. Maurice river, in which case the amount of such tax shall not exceed six cents in the dollar on the amount of their rent.

Tenants. Exception ;

Every person, occupying a property or a portion of a property of which he is neither the owner nor lessee, shall be liable for the payment of the present tax according to the amount established by the city assessors as representing the value of the rent of such property, but this provision shall not apply to churches, bishops' palaces, charitable or educational institutions exempt from taxes on real estate.

Occupants.

Proviso ;

**255.** The council shall also have power to impose and levy an annual tax, to be fixed by by-law, on every stallion kept for breeding; on every horse aged three years and over; on every bull kept for breeding; on every other head of horned cattle over two years of age, and on every dog and vehicle kept in the city.

Taxes on animals ;

**256.** The council shall have power to impose and levy, on each male inhabitant of the age of twenty-one years and over, who shall have resided in the said city during six months, and who shall not be liable to the payment of any tax in virtue of this act, an annual sum of two dollars; which tax shall be called "capitation tax."

Capitation tax.

Exception. Ecclesiastics and ministers of religion, as well as students, apprentices and servants, are exempt from this tax.

Power to tax trades, &c. **257.** The council may establish, impose and levy certain annual dues or taxes on all trades, manufactures, financial or commercial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, companies or corporations in the city.

Without limiting general power may tax : And for greater certainty, without limiting the scope of the foregoing provision and without prejudice to the prescriptions contained in this charter, the council may establish, impose and levy the said annual dues and taxes on the trades, manufactures, financial establishments, occupations, arts, professions, callings or means of earning a profit or livelihood hereinafter set forth :

Owners of houses of public entertainment ; 1. On all owners or occupants of houses of public entertainment, inns, coffee-houses, eating-houses, boarding-houses and other similar establishments, a tax not exceeding \$300 ;

Persons, &c., keeping billiard tables, &c. ; 2. On all persons and clubs keeping billiard-tables, bowling-alleys, pigeon-hole tables, shooting-galleries and other games or establishments for amusement of any kind ; and on all proprietors, possessors, agents, managers or occupants of theatres, rooms for performances or exhibitions, circuses, menageries, curiosity shows of all kinds, itinerant musicians and jugglers, a tax not exceeding \$300 ;

Retailers of spirituous liquors, &c. ; 3. On all retailers of spirituous, vinous or fermented liquors, and on all brewers and distillers, a tax not exceeding \$300 ;

Traders, &c. ; 4. On all traders, manufacturers, hucksters and hawkers, a tax not exceeding \$50 ;

Peddlers, &c. ; 5. On all peddlers and itinerant traders, junk dealers and second-hand dealers, a tax not exceeding \$50 ;

Hackmen, &c. ; 6. On all hackmen, carters, expressmen and other persons conveying persons, goods, effects and produce of any kind in the city, as well as persons selling and racing horses, a tax not exceeding \$50 ;

Livery-stable keepers, &c. ; 7. On livery-stable keepers and persons leasing bicycles or other vehicles, boats, skiffs and other craft, a tax not exceeding \$50 ;

Owners of slaughter-houses ; 8. On all proprietors of slaughter-houses in the city, a tax not exceeding \$100 ;

Professions, trades, &c. ; 9. On advocates, notaries, physicians, surgeons, veterinary surgeons, oculists, dentists, druggists, surveyors, engineers, civil engineers, architects, draughtsmen, painters in oil, portrait-painters, engravers, lithographers, carvers, printers, editors, journalists, photographers, stenographers, copyists



and writers and all other persons practising a liberal profession or plying any trade or calling whatsoever, a tax not exceeding \$30 ;

10. On machinists, carpenters, contractors, joiners, furniture-makers, carriage-makers, wheel-wrights, upsholsterers; turners, cabinet-makers, ship- and boat-builders of all kinds, a tax not exceeding \$30 ;

Machinists,  
&c. ;

11. On gold- and silver-smiths, jewellers, watchmakers, blacksmiths and other persons working in metals; on tin-smiths, armorers, plumbers, metal-roofers, fitters of heating apparatus and light fixtures, bell-hangers and fitters of electric and other fixtures, a tax not exceeding \$30 ;

Gold- and  
silver-smiths,  
&c. ;

12. On bakers, pastry-cooks, butchers, barbers, confectioners, brush-makers, carders, gardeners, moulders and coopers. a tax not exceeding \$30 ;

Bakers, &c. ;

13. On shoemakers, saddlers, tanners, curriers and hide-dressers, a tax not exceeding \$30 ;

Shoemakers,  
&c. ;

14. On house-painters, decorators, and paper-hangers, a tax not exceeding \$30 ;

House paint-  
ers, &c. ;

15. On masons, stone and marble-cutters, plasterers, rough-casters, brickmakers and bricklayers, a tax not exceeding \$30 ;

Masons, &c. ;

16. On tailors, dressmakers, florists, undertakers and decorative contractors, a tax not exceeding \$30 ;

Tailors, &c.

17. On all possessors or users of engines driven by steam, electricity, gas or other motive power and of all machinery for working wood or iron, a tax not exceeding \$200 ;

Possessors,  
&c., of steam-  
engines, &c. ;

18. On all workshops employing several workmen, a tax, in addition to all other taxes, called : " Tax on first and second-class workshops," a tax not exceeding \$200 ;

Certain work-  
shops.

All workshops shall be divided by the city assessors under instructions from the council into two categories : those of the first class and those of the second class according to the number of workmen employed therein. Such tax shall be one dollar per annum for every first class workshop, and twenty-five cents per annum for every second class workshop.

Division of  
workshops  
into categories ;

19. On all persons temporarily opening a shop for the purpose of selling a bankrupt or transient stock, a tax not exceeding \$200 ;

Persons selling bankrupt  
stock, &c. ;

20. On all bankers and their agents ; on all brokers, exchange-brokers or agents, money-lenders, pawn-brokers and their agents, and on all auctioneers, public criers, bill-posters and distributors of circulars, hand-bills, advertisements and other means of securing publicity, a tax not exceeding \$100 ;

Bankers, &c. ;

- \* Life insurance companies, &c. ; 21. On all life, fire, accident, marine and other insurance companies doing business in the city, or on their agents, a tax not exceeding \$100 ;
- Navigation companies, &c. ; 22. On all navigation, railway, tramway, telegraph, telephone, light and heat companies and companies for distributing electric or other power in the city or having an office or place of business therein or on their agents, a tax not exceeding \$100 ;
- Steamboat owners ; 23. On all owners of and persons running steamboats conveying passengers and goods for money, between the city and any place whatsoever, a tax not exceeding \$300 ;
- Certain vehicles 24. On all vehicles or vessels used in conveying stone, brick and lime from outlying municipalities into the city, a tax not exceeding \$30 ;
- Commission agents, &c. ; 25. On all commission agents for selling or buying ; on all shippers or distributors of produce, merchandise or effects whatsoever ; on all stevedores, contractors for loading or unloading and for conveying merchandise, produce or other effects in the city, a tax not exceeding \$50 ;
- Investment societies, &c. ; 26. On investment societies and on real estate agents and upon intelligence offices, a tax not exceeding \$50 ;
- Detective agencies, &c. ; 27. On all detective agencies and constables not under the control of the city or government, a tax not exceeding \$50 ;
- Newspaper agencies, &c. ; 28. On all agencies for newspapers published outside the city, for publications, books or pamphlets, and on all vendors of newspapers and publications of all kinds keeping a place for selling the same or plying the trade of news-vendor in the city, a tax not exceeding \$50 ;
- Milkmen, &c. ; 29. On milkmen, owners of laundries and dye-works, and owners of ice-houses distributing ice in the city, a tax not exceeding \$30 ;
- Non-resident merchants, &c. 30. On all non-resident merchants or business agents, their clerks or employees, who come to sell or offer for sale in the town wares of any kind, except on samples, catalogues or price-lists, a tax not exceeding \$200.

**258.** The council may decide by by-law that all the dues or taxes above set forth or which it has power to determine. Tax may be imposed by license. impose and levy under this section, shall be a special or a yearly tax and in every by-law of the council the words "license" or "permit" may be used to designate such dues or taxes as well as to designate also the official document certifying that the person in whose favor such "license" or "permit" is made out, has complied with the requirements of the city for the purpose set forth therein.

**259.** All taxes or licenses imposed under this section may be levied and collected in the same manner as the ordinary municipal taxes, every fraction of a year counting as a full year. How collected.

**260.** The council shall have power to cause to be entered on the collection roll by the treasurer and to collect all dues, taxes or licenses exigible under this charter from any person for the profession, trade, occupation or means of livelihood, the practice or plying whereof shall have begun during the course of the fiscal year after the closing of the valuation roll, without its being necessary that such dues, taxes or licenses be entered on the said valuation roll for the current year, every fraction of a year counting as a full year. Entries on collection roll, &c.

**261.** All taxes or assessments on real estate imposed under the foregoing provisions, shall be payable annually and at the date specified in the by-laws of the council. When taxes on real estate to be paid.

**262.** The cadastral number, given to immoveable property upon the official plan and in the book of reference, shall be a sufficient description of such property in the valuation roll to enable the city to levy the assessment thereon. Cadastral number sufficient description of the property.

**263.** In the case of any tax or assessment on real estate imposed on any firm or partnership, such tax may be recovered in full from any of the members of such firm or partnership. Tax on firm property.

**264.** The council may pass such by-laws as may be necessary to enforce the collection of any special tax or special assessment on real estate imposed in virtue of this charter. By-laws for collection of special taxes, &c.

**265.** Any officer, constable or policeman of the city may call upon any person bound to pay a license under this charter to show him his permit or license; and upon his refusal or if he have no such license, the said officer, constable or policeman may arrest such person on view and conduct him before the district magistrate or any justice of the peace, in order that he may give bail to appear before the court of such magistrate at its next sitting. Licenses to exhibit license. Arrest for not doing so.

**266.** Every person so arrested, who cannot or will not give bail as aforesaid to appear before the district magistrate or any justice of the peace, as aforesaid, or who shall refuse to pay the amount imposed and due for obtaining such Detention in gaol of person so arrested.

license, shall be detained in the common gaol of the district of Three Rivers until the next sitting of the said court.

Bail.

**267.** The bail-bond to be so given shall be for the sum of two hundred dollars, and if the conditions of such bail-bond be not fulfilled, the sum therein mentioned shall belong to the corporation and may be recovered by suit taken before the Superior Court of the district of Three Rivers.

Penalty, &c.

**268.** Every person so arrested for not having the license required by the council or for having refused to exhibit the same or pay the amount thereof, shall, on proof of the offence before the district magistrate or any justice of the peace, be liable to a fine not exceeding fifty dollars or, in default of payment, to an imprisonment not exceeding two months.

The fine paid in such case shall belong to the corporation of the city.

#### SECTION XXXV

#### COLLECTION OF TAXES

Preparation of collection roll and what to contain.

**269.** Immediately after the closing and homologation by the council of the valuation roll, the treasurer shall forthwith prepare a collection roll containing the names, in alphabetical order, of all the rate-payers liable to the payment of the duties, taxes or assessments authorized by the present charter.

Notice of preparation and deposit of collection roll requiring persons to pay.

**270.** He shall afterwards proceed to collect the taxes, and for that purpose shall give notice, in one or more newspapers published in the said city, that the collection roll is completed and deposited in his office, and that all persons liable to the payment of assessments are required by him to pay the amount thereof at his office within the twenty days which follow the publication of the said notice.

Detailed statement to be left at domicile of rate-payers who have not paid twenty days after such notice.

**271.** If, at the expiration of the said twenty days, there shall be any arrears of assessment, the treasurer shall leave or cause to be left at the domicile of each person so in arrears, a detailed statement of the different sums and the total amount of assessments due by such person in arrears, as well as all other sums due to the said council for constituted rents, drainage, paving, lighting, water-rates, rents, moneys disbursed, dues or licenses, and of all sums of money due to the council in virtue of any obligation, contract, agreement, judgment, municipal by-law or for any reason what-

soever. At the same time the treasurer by a notice, signed by him or by his assistants, annexed to the said statement and served by an employee of the council, shall demand the payment of his assessments and other debts, together with the expenses of the service of such notice, according to such tariff as the council shall have decided upon.

Notice calling upon rate-payers to pay to be sent at same time.

**272.** If any person neglects to pay the amount of assessments imposed upon him, as well as the amount of any of the debts mentioned in the article immediately preceding, for a period of fifteen days, after he shall have been so requested as aforesaid, the treasurer shall levy the said assessments or debts with costs, by a warrant under the hand of the mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found, within the limits of the said city; such warrant shall be addressed to one of the sworn bailiffs of the Superior Court for this Province, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner. No claim founded on a right of ownership or privilege upon the same shall prevent the sale of the said goods and chattels, nor the payment of the assessments and other debts, including the expenses of the seizure and sale out of the proceeds of such sale, in preference to all other rights.

Warrant to levy taxes issued fifteen days after notice.

Claim of ownership not to prevent sale.

Nevertheless, any person, who shall think himself aggrieved by the said seizure, may at any time before the sale of the goods so seized, file an opposition to the same in the hands of the officer effecting the seizure, who shall be bound to report his proceedings to the Circuit Court, which shall dispose of such opposition.

Opposition.

**273.** If such bailiff or other officer effecting the seizure, after having, as aforesaid, seized such moveables and effects, cannot proceed to sell the same, either because the possessor or guardian thereof is absent or because there is no one to open the door of the house, closets, safes or other closed places, or if there be any refusal to open the same, he shall draw up a minute thereof and produce it in court, and, on production of such minute, the judge may order that proceedings be taken in accordance with the provisions of article 620 of the Code of Civil Procedure.

Proceedings by seizing officer if doors shut, &c.: return to that effect.

Order of judge thereon.

Immediately after the sale, the bailiff effecting the same shall deposit the proceeds thereof in the hands of the city treasurer, who shall keep and pay into the city treasury the amount due to the corporation or to the school commissioners with the costs to which they may be entitled, and hand over the balance to the debtor whose effects have been seized on the expiration of four days from the receipt of such money,

Duty of bailiff respecting moneys arising from sale, and further proceedings thereon in certain cases.

if no opposition therefor has been served upon him during such delay ; in the contrary case, he shall deposit the surplus in the hands of the clerk of the Circuit Court, with the writ of seizure and other documents that may have been served upon him, to be distributed according to law.

Only one account in detail to be supplied.

**274.** Whenever the treasurer shall have given a rate-payer in arrears the detailed statement of his indebtedness to the corporation, he shall not be bound to repeat the same details in the statements of account that he may subsequently give him ; it shall suffice that he mention the total amount of the account already rendered and add the details of fresh arrears for the year, if any there be.

Warrant of seizure by garnishment in certain cases

**275.** It shall be lawful for the council to levy the assessments and other municipal dues by means of a seizure by garnishment according to form O, effected by a writ signed by the mayor, enjoining upon the garnishees not to dispossess themselves of the moveable effects or moneys in their possession belonging to the city's debtors before it is otherwise ordered by the court, and ordering them, as well as the debtors, to appear before the Circuit Court on the day appointed. Proceedings shall be had before the said court on such writ in accordance with the provisions of the Code of Civil Procedure.

Notice to sureties of licensees of market if rent &c., not paid.

**276.** When one or more persons shall have become purchasers by auction of the market revenues and leases of butchers' stalls and stores and shops established in or upon any public market of the said city or of any other revenue in favor of the said corporation, and when, according to the terms of the by-laws of the said city, or of the leases with such tenants or purchasers, other persons residing in the said city shall become sureties and warrantors towards the said corporation for the payment of the said revenues and rents, and for the accomplishment of the charges and conditions stipulated by the said by-laws or leases, if such tenants or purchasers by auction shall neglect to make regularly the payments to which they are bound by their leases, the treasurer may cause to be sent to such surety or to his domicile, the notice mentioned in article 271 hereinabove, and collect from the said surety or sureties, in the same manner as from the tenants or purchasers, any sum due to the said corporation by each such tenant or purchaser, as aforesaid, in the manner established by this charter for the levying of municipal taxes.

Power to sue for taxes, &c.

**277.** Besides the powers specially conferred upon the said corporation, for the collection of taxes and other debts,

due the city, the council shall have authority to sue in all courts of justice, for the recovery of any sum of money which may be due to it, or take any other suit whatsoever which it may deem necessary for the protection of the interests of the city.

**278.** Every tax or assessment, imposed under this charter, upon any property in the city, may be recovered either from the proprietor or occupant of such property, or from the tenant but only up to the amount of the rent due ; but if such tenant or occupant be not bound by lease or other stipulation to pay such tax or assessment due to the city on the property occupied by him, he shall be entitled to deduct the sum so paid by him to the corporation.

Tax &c., may be recovered from proprietor, tenant or occupant.

**279.** The messenger of the council, duly appointed to that office by a resolution of the council, and the chief of police of the city shall, during their term of office, have all the powers of a bailiff of the Superior Court, and may legally serve any notice or document of the said council, and effect and execute any seizure for taxes as prescribed by the above provisions.

Certain persons have powers of bailiff of Superior Court to serve documents.

**280.** Notwithstanding any act or legal provision to the contrary, the city council may, by resolution passed for that purpose, reduce the annual ground-rent of each lot of land conceded by such council in the common and situated upon Bureau, Gervais and St. Elizabeth streets, and fix it at a uniform rate of one dollar per annum.

Ground rents upon parts of common may be reduced.

**281.** The council may grant a remission, not exceeding six per cent., on all taxes and assessments entered on the collection roll, and the payment of which shall have been made within the twenty days following the public notice given that such collection roll is completed and deposited in the office of the city.

Discount on taxes paid within certain time.

It may also by resolution grant to any person or company a partial or total exemption from municipal taxes or assessments to aid in the construction of a railway, electric railway or manufactory.

Exemption from taxation to aid certain railways and factories.

The resolution adopted by the council of the city of Three Rivers, at its session of the eleventh of March, 1901, granting an exemption of municipal taxes and assessments to the Montreal Pipe Foundry Company for a period of ten years, is hereby declared valid and legal.

Certain resolution of March 11, 1901, ratified.

## SECTION XXXVI

## SALE OF IMMOVEABLES

Treasurer in  
January to  
prepare :

List of per-  
sons indebted  
for three  
years for  
taxes, &c.,  
with :

Description  
of lands liable  
for such  
arrears ;

Total amount  
of such  
arrears.

Notice that  
lands will be  
sold in March  
for such  
arrears.

List and no-  
tice to be  
published in  
*Quebec Offi-  
cial Gazette*,  
and at church  
doors.

Lands to be  
sold to the  
highest and  
last bidder.

Adjudication.

Amount of  
adjudication  
to be paid  
at once.

**282.** The treasurer, before the eighth day of January in each year, shall prepare a list containing :

1. The names of all persons indebted to the corporation of Three Rivers for three years of municipal taxes or school rates, or constituted rents (heretofore *cens et rentes*) or any other debts whatsoever ;

2. The description of all lands subject to the payment of the said arrears of municipal taxes, school rates, constituted rents or other charges ;

3. The total amount of arrears for which such property is liable for municipal and school taxes or other charges.

Such list shall be accompanied by a public notice setting forth that such lands are to be sold at public auction, at the office of the treasurer of the said council, on the first Monday of March following, or on the juridical day following, if such Monday be a legal holiday, at ten of the clock in the forenoon, in default of payment of the taxes and other charges for which they are liable to the city and the costs incurred ;

Such list and the notice which accompanies it must be published in the French and English languages, once in the *Quebec Official Gazette*, and in the French language in a newspaper published in the city ; and the said list and notice annexed shall be read by a bailiff on three Sundays in the month preceding the sale of any such land at the door of the Roman Catholic cathedral and parish church, and at that of the Anglican church of the said city, at the issue of morning service.

**283.** At the time appointed for the sale, the treasurer of the council himself, or through some other person for him, shall sell to the highest and last bidder, the lands described in the said list upon which taxes are still due, after making known the amount to be levied on any such land, including the costs incurred for the sale, in proportion to the amount of the debt.

Whoever shall then offer to pay the highest price and shall be the last bidder, shall become purchaser of the land thus sold, and the said land shall be at once adjudged to him by the treasurer.

The purchaser of any land thus sold shall pay the amount of the purchase price immediately upon the adjudication thereof.



**284.** In default of immediate payment, the treasurer shall at once again put up the land for sale, or shall postpone the sale to another day, within eight days, by giving notice of such postponement to all persons present in an audible and intelligible voice; provided always that, at any time before the putting up for resale of the said land, the purchaser at the last sale may prevent such resale by paying the price for which such land had been adjudged to him at the first sale, with the addition of the subsequent costs, if any there be; and provided also that, if at such resale the price thereof be less than that for which such lot was adjudged at the previous sale, the difference between such price of sale shall be repaid to the corporation by the purchaser at the first sale, and shall form part of the price of sale of such lot; but the purchaser so in default shall not, however, have any right to the surplus, if any there be, which shall be added to the price of sale of such lot; the purchaser so in default shall be deemed a false bidder, and the provisions of the Code of Civil Procedure shall apply to the purchaser so in default, and may be applied by any competent court sitting in and for the district of Three Rivers, on a petition of the city council.

Resale if not paid.  
Proviso.

**285.** If, at the time of the sale, no bid is made, or if all the lands advertised cannot be sold on such first Monday in March or following juridical day, if such Monday be a legal holiday, the sale shall be postponed to any other day within eight days, in the manner prescribed in the preceding article.

If no bid.

**286.** Upon payment by the purchaser of the amount of his purchase money, the treasurer shall set forth the particulars of the sale in a certificate made in duplicate under his signature, and shall deliver a duplicate thereof to the purchaser.

Certificate of payment to purchaser.

The purchaser shall thereupon become seized of the ownership of the land sold, and may take possession thereof, even making use of the measures provided by the Code Civil Procedure, subject to redemption which may be made within the year next following.

Rights of purchaser thereupon.

**287.** The corporation of the city may bid at the sale of such immoveable thus put up for sale, and may become purchaser thereof, through the mayor or other person, authorized by the council.

Corporation may bid.

**288.** When the price for which such land or building lot has been sold or adjudged, shall exceed the amount due to the corporation of the city, the treasurer shall pay over into the funds of the city the surplus money which he may have

When price paid exceeds amount due.

in his hands, which surplus shall be payable by the council, without interest, at the expiration of six months from the sale to any person entitled thereto, within one month after a regular notice to pay the said sum shall be given to the city treasurer.

Proviso.

But, before dispossessing himself of any of the said surplus money, the treasurer shall obtain from the registrar of the registration division of Three Rivers, a certificate of all the privileges and hypothecs whatever upon the said land thus sold.

In case of opposition within six months, duty of the treasurer.

**289.** If, within the space of the six months, there is served upon the treasurer a seizure by garnishment or opposition to the payment of the moneys which he has in his hands, or if it appears by the certificate of the registrar that there exists any privilege or hypothec on and against such land, then the treasurer shall, at the expiration of the said six months, file in the hands of the prothonotary of the Superior Court for the district of Three Rivers, a certificate under his hand, and the seal of the corporation, setting forth the amount of the moneys that he has in his hands, over and above the amount due to the corporation, as well as the amount of all seizures, oppositions, registrar's certificate against such property which the treasurer shall obtain and pay the cost thereof out of the proceeds of the sale, or other documents which may, during the course of the said six months, have been duly served upon him, and shall comply with the provisions of any judgment of distribution which may afterwards intervene before the said Superior Court.

If lands sold not redeemed within twelve months.

**290.** If, within the twelve months which follow the day of the adjudication, the land adjudged has not been repurchased or redeemed according to the provisions of this charter, the purchaser shall become the irrevocable proprietor thereof.

Right of purchaser to deed of sale after twelve months.

Such purchaser, upon production of the certificate of sale, and upon proof of the payment of all municipal taxes and other charges which have become due during the interval upon the said land, shall be entitled, at the expiration of such delay of twelve months, to a deed of sale from the corporation of the city; and such deed of sale shall be executed in the name of the corporation by the mayor and by the clerk by deed before a notary.

Registration of deed of sale.

**291.** The deed of sale shall be registered as soon as possible on the demand of the mayor or the clerk and the costs of the said deed of sale and of the registration thereof shall be borne by the purchaser, and may be demanded before the deed is signed.

**292.** The sale made under the above provisions shall be a title which conveys the ownership of the land ; it shall vest in the purchaser all the rights of the original proprietor, and shall discharge the land from all privileges and hypothecs with which it was charged at the time of the adjudication, in the same manner and subject to the conditions and restrictions concerning sheriffs' sales as set forth in articles 780 and 781 of the Code of Civil Procedure. Effect of sale.

**293.** If the adjudication or sale be declared null, on any demand brought to set aside the same, or in any other cause, or if the land is redeemed, the purchaser can only exact repayment of the purchase money paid by him, together with the expenses of necessary repairs and of improvements which have increased the value of the land up to such value, unless he prefer to remove the same, with interest, upon the whole amount claimed, at the rate of six per cent per annum. If sale declared null.

**294.** The action to annul a sale of land made under the preceding provisions, or the right of calling in question the legality thereof, shall be prescribed by one year from the date of such adjudication. Prescription of action to annul sale.

This right may be exercised by the original proprietor of the land thus sold, or by any of his creditors, before any competent court. Persons who may exercise such right of action.

The said proprietor or any of his creditors shall also have the right, in the course of the said year, to apply to the competent tribunal, to obtain the correction, revision or reduction of the charges or a portion of the charges, for non-payment of which such lot shall have been sold as aforesaid ; but the sale of such lot shall not be annulled in consequence of any formal defect in the proceedings followed in bringing such lot to sale, or of any error or overcharge in the statement of the sums due to the said corporation and claimed by it at the time of the said sale. Application to court for correction, &c., of charges.

Proviso.

#### SECTION XXXVII

#### REDEMPTION OF LANDS SOLD

**295.** The owner of any land sold under the foregoing provisions of this charter, may, within one year from the day of the adjudication, redeem the same by paying to the treasurer of the council the amount disbursed for the purchase price, with interest at the rate of ten per cent. per annum, every fraction of a year being reckoned as a complete year. Redemption of land sold within one year.

Who may  
redeem.

**296.** Any person, whether authorized or not, may redeem or recover such land in the same manner, but only in the name of and for the person who was the proprietor thereof at the time of the adjudication.

Receipt, if  
person not  
specially  
authorized.

When the redemption is made by a person not specially authorized, the treasurer, in the receipt which he shall give in duplicate, shall set forth the name, quality and domicile of the person who effected the redemption.

Receipt to be  
registered.

Such receipt, after being registered, shall entitle the person mentioned therein to be reimbursed the amount paid by him, with interest at the rate of eight per cent., and shall secure to him a privileged hypothec, ranking next after municipal taxes, on the land in question for the reimbursement of such money, any provisions of articles 1994 and 2009 of the Civil Code to the contrary notwithstanding.

Duty of treas-  
urer in cases  
of redemp-  
tion.

**297.** The treasurer shall, within fifteen days after the redemption is effected, give special notice thereof to the purchaser and, if in the interval there has been no seizure by garnishment or opposition for payment, he shall pay over to the said purchaser, on demand, the sum paid into his hands, retaining two and a half per cent. on the purchase price.

Reimburse-  
ment to pur-  
chaser.

**298.** The purchaser may compel the owner or the person who shall have redeemed the land in the name of the owner, to indemnify him for the cost of all useful repairs and improvements made by him on the land redeemed, unless he removes the same, and also to reimburse him the amount of the taxes paid, or of the public or municipal works performed on account of such land, with interest on the whole at the rate of ten per cent. per annum, every fraction of a year being counted as a complete year.

Privilege of  
purchaser.

Such claim bears a privilege in favor of the purchaser upon the land in question.

Purchaser  
may retain  
land until  
claim paid.

The purchaser may retain possession of the land redeemed until payment of such claim.

#### SECTION XXXVIII

#### CERTAIN PRIVILEGES GRANTED TO THE CLAIMS OF THE CITY

Debts due the  
city or school  
commission-  
ers privileged  
claims.

**299.** All the debts due to the corporation or school commissioners, as the case may be, for all municipal or school taxes or assessments imposed upon moveable or immoveable property in the city under this charter, for constituted rents, (heretofore *cens et rentes* of the common,) for water rates, taxes for drainage, paving, lighting, maintenance of the streets and other works ordered by the municipal authority

on account of any rate payer, shall be privileged debts, and shall, in case of legal distribution of moneys, be collocated to the corporation and to the school commissioners, in preference to all other creditors, the rights of the Crown excepted; but such privilege shall apply only to claims due Proviso. for three years.

**300.** All arrears of municipal and school taxes are pre- Prescription of municipal and school taxes. scribed by three years.

**301.** The council and the school commissioners may charge an addition, not exceeding six per cent. on all yearly arrears of municipal or school taxes or assessments, constituted rents, rentals or market revenues, accruing from all sources, revenues of the water-works or drainage, paving or lighting, and on all yearly arrears of interest due under any obligation, agreement or contract whatever; they may also charge a rate of interest, not exceeding six per cent. per annum, on any sum of money disbursed by them for the advantage of any person, in conformity with the provisions of the law or any by-law of the council, or of the school Interest. commissioners, or on any obligation, agreement, or contract whatever, and on the amount of any duty or license due to the said council or to the said school commissioners, and on the amount of any judgment obtained by the council or the said school commissioners before any court of justice.

**302.** The council and the commissioners shall have power to remit to poor persons in the said city, who may have been taxed under this charter, the whole or part of their assessments, in certain cases of fire, long illness, or for any other cause that they shall deem reasonable and sufficient. Power to remit to poor persons.

#### SECTION XXXIX

#### ENQUIRIES

**303.** The council and the various committees of the council shall have power to hold any enquiries they may deem necessary concerning the affairs of the city and to compel witnesses to appear thereat. Such enquiries shall be presided Council, &c., may hold enquiries. over by the mayor, if made by the council, or by the chairman of the committee, if made by a committee. Who presides.

**304.** The person presiding at the enquiry shall have power to swear the witnesses and to issue orders to any persons to appear and give evidence at the said enquiry. The summons to the witnesses shall be signed by the person presiding at the enquiry, indicate the hour, date and place where such Power to swear witnesses. Summons to witnesses.

enquiry is to be held, and shall be served by an officer of the council or a bailiff at least twenty-four hours before the day when they are summoned to appear. Any person so summoned, who neglects or refuses to appear without lawful excuse, shall be liable to a fine not exceeding fifty dollars, recoverable before the district magistrate or a justice of the peace and, in default of payment, to an imprisonment not exceeding two months.

Witness to answer all lawful questions.

**305.** In conducting such enquiry the person presiding thereat may compel the witnesses to answer all lawful questions, and if they do not answer they shall incur a fine not exceeding fifty dollars.

#### SECTION XL

#### SUITS AND PENALTIES

Action to be brought within six months for any offence.

**306.** If any action or suit be brought against any person, for any matter or thing done in contravention or in execution of this charter, such action or suit shall be brought within six calendar months next after the act committed, and not afterwards.

Fines and costs.

**307.** If any person shall violate any by-law made by the said city council, under this charter, such person shall, for every such offence, incur the penalty specified in any of the said by-laws or orders, with the costs to be allowed by the magistrate, who shall try such offences, and the said fine and costs may be levied on the goods and chattels of the offender.

No affidavit in penal actions by city.

**308.** In all penal actions taken by the corporation, the affidavit required in popular, *Qui tam*, actions shall not be necessary.

Persons convicted of drunkenness, &c., after previous conviction.

Punishment.

**309.** In all cases of persons convicted of drunkenness or of loose, idle or disorderly conduct, or as vagrants, or of a breach of the peace in the city, when they shall have been previously convicted of a similar offence, the court may, in pronouncing the sentence, in its discretion, sentence the offender either to the fine prescribed by the said by-laws or orders and costs, or else to imprisonment with or without fine in the common gaol of the district of Three Rivers, for a term not exceeding two calendar months, with costs of suit, and in default of payment of such costs and of those occasioned by the arrest, conveyance and imprisonment of the defendant, an additional imprisonment of one calendar month.

**310.** All prosecutions for the contravention of any by-law of the said city council or of any provision of the various acts concerning the corporation of the city, and for the recovery of any fine incurred by reason of any such contravention may be brought and continued by the corporation itself or, with the authority of the council, in the name of the corporation by any rate-payer giving good and sufficient security to pay the costs of the said prosecution ; every officer or member of the corporation shall be competent as a witness therein, and every such fine or pecuniary penalty shall belong to the corporation.

Who may prosecute, &c.  
Competent witnesses.

**311.** It shall not be necessary in any prosecution for any contravention of any by-law, or of this charter, or of any provision of the acts relating to the said corporation, that the evidence should be taken in writing ; unless the parties or one of the parties require that it be so taken.

Evidence in writing not necessary.

**312.** All fines and penalties, recovered under this charter, shall be paid over into the hands of the treasurer of the council, unless it be otherwise prescribed in the charter.

Fines paid to treasurer.

**313.** All penalties imposed by this charter or by any by-law made by the council shall be recovered before the Superior Court or the Circuit Court for the district of Three Rivers, according to the sum claimed, or before a competent magistrate when the sum claimed shall not exceed fifty dollars; the procedure in the latter case shall be governed by part LVIII of the Criminal Code, 1892, and its amendments ; all penalties or fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit.

Before what court penalties recovered.  
Procedure.

In any action, prosecution or complaint brought by the corporation before any court, it shall not be necessary to designate or recite the act or by-law under which such action, prosecution or complaint is brought ; but it shall suffice to allege that it is in virtue of the act or by-law in such case made and provided.

Certain forms not necessary.

**314.** Every sentence to a fine and every dismissal of a prosecution shall at the same time entail the condemnation of the losing party to payment of the costs in favor of the opposite party or of a portion of such costs in the discretion of the court or magistrate, unless it be otherwise provided by this charter.

Losing party to pay costs, &c.  
Proviso.

**315.** The by-laws of the corporation of the city of Three Rivers now in force shall continue to be so until repealed or with such amendments as may be made thereto in virtue of this act ; and all fines and penalties incurred under the said by-

Present by-laws continued.

Fines incurred, &c., may be recovered.

laws, passed previously to this act, as well as those under the laws respecting the incorporation of the city of Three Rivers prior to this act, shall be sued for and recovered in accordance with the usual procedure.

Notice by persons claiming damage from accident, &c.

**316.** Whosoever shall allege and pretend that he has suffered damage in consequence of any accident or fortuitous circumstance with a view of claiming damages or compensation from the city shall, within thirty days from the date of such accident or fortuitous circumstance, notify the city of his intention by means of a notice containing detailed information respecting his claim and the description of his personal domicile; failing which, the city shall be relieved from all responsibility as to damages or compensation resulting from such accident or fortuitous circumstances, any article or provision of the Civil Code to the contrary notwithstanding.

Effect of want of notice.

Prescription of suits against city for certain claims.

**317.** Notwithstanding any law to the contrary, all suits, prosecutions or claims against the city claiming damages resulting from offences, quasi-offences, illegal acts, neglect, real damages to property or to persons, are prescribed by six months counting from the day when the right of action arose. No such suit or prosecution shall be taken unless after previous notice of thirty days shall have been served upon the clerk. And if such suit be taken in the name of a person other than a rate-payer, such person shall deposit a sum of ten dollars in the hands of the clerk of the court when the writ issues, as security for the city's costs.

Notice of suit.

Security required if taken by non rate-payer.

#### SECTION XLI

#### SPECIAL PROVISIONS

General repeal.

Proviso.

**318.** All acts inconsistent with the provisions of this charter are repealed; but the repeal of the said acts shall not be interpreted as affecting any matter or thing done or to be done, or any of the resolutions, decisions, orders or other acts of the council, nor the debentures, notes, shares or bonds issued, nor the by-laws adopted under the said acts, nor the rights and duties of the mayor, aldermen, civic employees, in office, who shall continue in the exercise of their office until replaced in accordance with the provisions of this charter.

Application by certain corporations of moneys

**319.** Civil or ecclesiastical corporations whose property or any portion thereof is transferred to the corporation of the city of Three Rivers or is taken by it for purposes of public



utility, may apply the price or compensation paid for the property so transferred upon other real estate in the province, and may hold and possess the said properties without letters of amortization from His Majesty, any law to the contrary notwithstanding.

received for  
lands taken  
by city.

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

## SCHEDULES

### A

#### *Commission of a Poll-clerk*

(See article 27)

To (name and addition)

Know you, that in my capacity of deputy-presiding officer for poll No. , in Ward. I have appointed and do hereby appoint you to be poll-clerk to act in such capacity, at the next municipal election for the city of Three Rivers, which election will take place on the day of the month of 19

Three Rivers, this day of the month of 19

(Signature)

Deputy-presiding officer.

### B

#### *Oath of a Poll-clerk*

(See article 33)

I, the undersigned appointed poll-clerk for poll No. , in Ward, do solemnly swear that I will act in my said capacity of clerk for the said poll faithfully and according to law, without partiality, fear, favor or affection. So help me God.

Sworn before me at Three Rivers } (Signature)  
this day of 19 } Poll-clerk for poll No. .

## C

*Nomination paper of candidates at municipal elections**(See article 22)*

We, the undersigned, municipal electors of the city of Three Rivers, hereby nominate (*name, surname and occupation*), as a candidate at the election to be held of a mayor of the said city (*or alderman for—ward of the said city*).

In testimony whereof we have signed this                      day  
of                      , nineteen hundred and

*(Signatures)*

I, the undersigned (*name, surname and quality*) of the city of Three Rivers, do hereby certify that the persons above named, have in my presence, signed or made their mark of a cross upon the present nomination paper. And I have signed.

*(Signature)*

Sworn before me at                      , this }  
day of                      nineteen hundred }

*(Signature)* J. P.                      ———

## D

*Receipt of nomination paper**(See article 22)*

Received this                      day of                      , nineteen  
hundred                      , in my office, in the city-hall  
of the city of Three Rivers, at                      of the clock  
in the                      noon, from                      , municipal  
elector duly qualified of the said city, a nomination paper  
in writing of                      as a candidate at the election  
to be held                      the                      day of                      next,  
of a mayor for the said city (*or of an alderman for the  
ward of the said city,*) which is signed by the municipal  
electors whose names follow, that is to say :

*(Names of the subscribers)*

In witness whereof I have signed and delivered the  
present receipt to the said                      ,  
and I have affixed thereto the seal of the corporation of the  
said city, at Three Rivers, this                      day of                      ,  
nineteen hundred and

*(Signature)*

City-clerk.

五

*Ballot-paper*

(See article 30)

FOR ELECTION OF MAYOR (*or* ALDERMAN)

ANNEX	1	CHARLES GUERIN, ADVOCATE.
	2	JEAN RIVARD, MERCHANT. X

*The voter is supposed to have marked his ballot in favor of Jean Rivard.*

## F

*Oath of the agent of a candidate or of an elector representing  
a candidate*

- (See article 38)

I, the undersigned, agent of (or elector representing,) one of the candidates at the election now pending of a mayor for the city of Three Rivers, (or an alderman for ward), solemnly swear that I shall keep secret the names of the candidates for whom any voter, may have marked his ballot-paper in my presence at this election.

Sworn before me, at Three Rivers, }  
this day of 19 } (Signature.)

(Signature)

Deputy-presiding officer.

G

*Poll-Book*

(See article 41)

	Number of the voters.
	NAMES OF THE VOTERS.
	Their occupation.
	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-presiding officer.
	General remarks.

## H

*Oath of messenger sent to collect the ballot-boxes**(See article 66)*

I, *(name and surname)* messenger appointed by *(name and surname)*, the officer presiding over the municipal elections of Three Rivers for 19 , do solemnly swear that the several boxes, to the number of , now delivered by me to such officer presiding over the elections, have been handed to me by the several deputies of such officer presiding over the election or by *(here insert the names of the deputy-presiding 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 make mention of such change.)*

*(Signature)*

Sworn before me, at Three Rivers, }  
     this            day of            , }  
     in the year 19   .

*(Signature)*

Justice of the Peace.  
 or Officer presiding over  
     the elections.

## I

*Oath of the deputy-presiding officer after the closing of the poll**(See article 65.)*

I, the undersigned, deputy-presiding officer for the municipal elections for poll No. , in  
     Ward, do solemnly swear that, to the best of my knowledge and belief, the poll-book kept for the said poll under my direction, has been so kept correctly; and that the total number of votes entered in such poll-book is  
 and that the said poll-book contains a true and exact record of the votes taken at the poll of such ward as received thereat; that I have faithfully fulfilled the duties imposed

upon me by law; and that the various documents that the law obliges me to transmit to the officer presiding over the elections, have been faithfully and truly prepared and deposited in the ballot-box in the same manner as this oath shall be, so that the said ballot-box sealed with my seal, shall be transmitted to the officer presiding over the elections, according to law.

(Signature)

Sworn before me, at                      Deputy presiding officer  
this                      day of                      , 19                      }

(Signature)

J. P.

or Officer presiding over  
the election.  
or Poll-clerk.

---

J

*Oath of the poll-clerk after the closing of the poll*

(See article 65)

I, the undersigned, poll-clerk for poll No. \_\_\_\_\_  
in \_\_\_\_\_ Ward, solemnly swear that the poll-book kept for the said poll, under the superintendence of \_\_\_\_\_, the deputy-presiding officer for the said poll, has been so kept by me in a correct manner and to the best of my ability and judgment; that the total number of votes inserted in the said poll-book is \_\_\_\_\_; and that to the best of my knowledge and belief the said book contains a true and exact statement of the votes taken at the said poll, by the deputy-presiding officer of the poll.

(Signature)

Sworn before me, at                      }  
this                      day of                      19                      }

(Signature)

J. P.,

or Presiding officer,  
or Deputy-presiding officer.

K

*Public notice of the completion of the valuation roll*  
(See article 143)

Public notice is hereby given that the valuation roll for 19 is now complete and deposited in the office of the undersigned, at the city-hall of Three Rivers, for the space of one month from the date of the present notice. All complaints against the said roll should be sent in to the undersigned in writing on or before the day of next.

City-Hall, Three Rivers,      }      (*Signature*)  
this                                      day of  
19                                      }      City-Treasurer.

I

*Public notice of the completion of the collection roll*  
(See article 270)

Public notice is hereby given that the collection roll of the city of Three Rivers, is complete and is now deposited in the office of the undersigned. All persons therein mentioned as subject to the payment of taxes, are hereby required to pay the amount thereof to the undersigned, in his office, within twenty days from this date, without further notice.

(Signature)  
City-Treasurer,

City-Hall, Three Rivers. 19

**M**

*Notice from the Treasurer, for the payment of taxes or other dues*

(See article 271)

Corporation of Three Rivers,  
(or School Commissioners  
for the City of Three  
Rivers.)

CITY-HALL.

Three Rivers, (date of the  
service).

Mr.

Mr.

Dr. to the Corporation of  
Three Rivers, (or to the  
School Commissioners for  
the City of Three Rivers).

COPY OF ACCOUNT.

			<p>Taxes on property on street valued at in the \$100, (Add the other items).</p> <p>Total..\$</p>		
<p>Notice served on the</p> <p>19—\$</p>			<p>Sir,</p> <p>Seeing your default to pay the sum above mentioned within the delay prescribed by public notice, you are hereby required to pay me this sum in my office within fifteen days from the date of this notice, together with the costs thereof, as below. In default whereof, your goods and chattels shall be seized and sold.</p> <p>(Signature)</p> <p>City-Treasurer.</p> <p>Expenses :</p> <p>Notice \$</p>		



## N

## Warrant of seizure for taxes or other debts

(See article 272)

PROVINCE OF QUEBEC, } The corporation of the city of  
 City and District of } Three Rivers, to wit :  
 Three Rivers.

To one of the sworn bailiffs in the district of Three Rivers, of  
 the Superior Court for the Province of Quebec, Canada :

Whereas (*names and quality of debtor*) has been in the  
 manner provided by law, required by the treasurer of the  
 city of Three Rivers, to pay into his hands, to and for the  
 use of the corporation of the said city,  
 the sum of

being the amount due by him to the said corporation, as  
 appears by the collection roll of ' year nineteen  
 hundred and (or by the *terrier* of the

common or by the register of the water-works or by deeds  
 of lease of markets, or by the books of account of the said  
 treasurer) ; and whereas the said has  
 neglected and refused to pay to the said treasurer, within  
 the delay prescribed by law, the said sum of

these are therefore to command you to seize forthwith and  
 make distress of the goods and chattels of the said ;

and if, within the space of eight days after the making  
 such distress, the said mentioned sum, together with the  
 reasonable charges of taking and keeping the said distress,  
 shall not be paid, that then you do, on such day as shall be  
 indicated to you by the said treasurer, sell, in the usual manner,  
 the said goods and chattels so by you detained, and do pay  
 the money arising from such sale unto the treasurer of the  
 said city, that he may apply the same as by law directed,  
 and may render the surplus, if any, on demand, to the  
 said or others whom it may concern. And if such  
 seizure cannot be had in default of effects to be seized, then  
 that you certify the same unto me, to the end that such pro-  
 ceedings may be had therein as to the law now doth apper-  
 tain.

Given under my hand and the seal of the said corporation,  
 at Three Rivers, this day of , in  
 the year nineteen hundred and

Amount due...\$	} (Seal.)	(Signature.)
Warrant .....\$		
Total ..... \$		

Mayor of the city of Three Rivers.



*Warrant of attachment by garnishment*

*See article 275)*

CANADA PROVINCE OF QUEBEC, DISTRICT OF THREE RIVERS.	}	EDWARD THE SEVENTH, <i>by the Grace of          God, of the United Kingdom of          Great Britain and Ireland, King,          Defender of the Faith.</i>
---	---	---

No.

To any bailiff in the district of Three Rivers for the Superior Court for Lower Canada.

Greeting :—

WHEREAS

has been required by the secretary-treasurer of the corporation of the city of Three Rivers at the time and manner prescribed by law, to pay into his hands for the use of the school corporation of the said city the sum of

being the amount due by

to the said corporation for municipal taxes and other charges, as appears by the collection roll of the said corporation and by the books of the secretary-treasurer for the year nineteen hundred and                      now in force, and whereas he hath not complied with the demand of the secretary-treasurer of the said corporation, but hath neglected and refused to pay to the said secretary-treasurer, within the delay prescribed by law, the said sum of                      ;

WE command you to seize and arrest at the request of the said corporation of the city of Three Rivers, any sum of money, effects, merchandise and claims in the hands of

and which for any cause or in any manner whatsoever, belong or may hereafter belong to the said

to the sum of

amount entered upon the said roll with interest and costs of and upon the present writ and seizure ;

We command you moreover, to summon the said Garnishee to appear before the Circuit Court for the district of Three Rivers, in the city of Three Rivers, on the

day of

at ten o'clock in

the forenoon, to declare upon oath, what sums of money, effects, merchandise and claims                      may now

or hereafter have in                      possession belonging to the

said corporation under penalty of being personally held for the debtor, and not to dispossess                      of the said

moveables and effects, until the said Circuit Court shall have ordered otherwise.

And you shall summon the said  
to appear before the said Court at the day and hour afore-  
said to show cause why the said seizure should not be  
declared good and valid and the said Garnishee  
be ordered to pay into the hands of the corporation of the  
city of Three Rivers to the extent of the said sum of  
\$ \_\_\_\_\_ and the costs of and upon this  
writ, with interest as aforesaid, and you shall then return  
this writ.

Given under my signature and seal of the said Corporation,  
at Three Rivers, this \_\_\_\_\_ day of \_\_\_\_\_  
in the year of Our Lord one thousand nine hundred

[L. S.] (Signature)

Mayor of the City of  
Three Rivers.

#### CHAP. 45

An Act to further amend the charter of the city of Hull

[Assented to 28th March, 1901.]

WHEREAS the corporation of the city of Hull has, by Preamble  
petition, represented that it is in the interest of the  
good administration of the city, that certain amendments be  
made to its charter, and it is expedient to grant its prayer ;

Therefore, His Majesty, by and with the advice and con-  
sent of the Legislature of Quebec, enacts as follows :

1. Paragraph 1 of section 32 of the act 56 Victoria, 56 V., c. 52,  
chapter 52, as amended by section 4 of the act 61 Victoria, s. 32,  
chapter 56, and paragraphs 2 and 3 of the same section 32 amended.  
are replaced by the following :

“ 1. Every person entered, on the last assessment roll, Proprietors.  
as the owner of immoveable property in a ward.

If such immoveable property is owned *par indivis* by Co-proprie-  
several owners whose names are entered as such on the tors.  
valuation roll each of them shall be entitled to a vote cor-  
responding to his share of the property ;

2. The husband of any woman under the law of separa- Husband of  
tion as to property, when she is seized and possessed, as woman sepa-  
proprietor or usufructuary, of immoveable property entered rated as to  
in her name on the valuation roll ; property.