

29 V., c. 57,
s. 29, § 42, par.
2, replaced.

24. Paragraph two of subsection 42 of section 29 of the act 29 Victoria, chapter 57, as replaced by section 7 of the act 59 Victoria, chapter 47, is again replaced by the following:

Sales of meat,
by farmers, on
the markets.

“But farmers may sell on the said markets, by complying with the by-laws of the city, all kinds of meat, either by the carcase or by the quarter, being the yield of animals raised on their lands or farms, or owned by them for three months, or the produce of their hunting; and, in all suits brought for violation of the provisions of this subsection, the corporation shall not be required to prove that the defendant has sold, offered or exposed for sale, meat not being that of animals raised on his land or farm or the produce of his hunting. In such suits the defendant and his wife shall be competent witnesses, and, if the action be dismissed, the city shall pay the expenses of the witnesses and the cost of summoning them.”

59 V., c. 47,
s. 30, amend-
ed.

25. The act 59 Victoria, chapter 47, section 30, is amended by replacing the words: “without prejudice to the act 54 Victoria, chapter 12” in the first and second lines, by the words: “saving rights acquired under the act 54 Victoria, chapter 12.”

Act to form
part of acts
amended.

26. This act shall be deemed to form part of the acts which it amends.

Coming into
force.

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

CAP. LVIII

An Act to revise and consolidate the charter of the city of Montreal.

[Assented to 10th March, 1899.]

Preamble.

WHEREAS it is expedient to revise and consolidate the provisions of the several acts of the Legislature of the Province of Quebec, relating to the city of Montreal: Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

SECTION I

INTERPRETATIVE PROVISIONS

Interpretation of:

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

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

(b) The word "city" and the word "corporation" shall City ; corpo-
mean the city of Montreal ; ration ;

(c) The word "mayor" shall mean the mayor in office Mayor ;
or the acting mayor of the city of Montreal and the word
"aldermen" shall mean the aldermen of the said city ; Aldermen

(d) The words "city-clerk, city-treasurer, city-surveyor, City-clerk,
or city buildings' inspector," shall mean the clerk, treasurer, &c.
surveyor, inspector of buildings of the city of Montreal or
their assistants or any officer duly appointed to replace them ;

(e) The words "recorder's court" shall mean the record- Recorder's
er's court of the city of Montreal, whether composed of one court ;
or more recorders, and the words "recorder" or "recorders" Recorder ;
shall mean the recorder or recorders of the city of Montreal ; Recorders ;

(f) The words "rate-payer" shall mean any person liable Rate-payer ;
to the payment to the city of any assessment or tax, inclu-
ding water-rate ;

(g) The word "proprietor" shall mean any person who Proprietor ;
possesses immoveable property in his own name as proprietor,
as usufructuary, or as institute in cases of substitutions ;

(h) The word "occupant" shall mean any person who Occupant ;
occupies an immoveable in his own name, otherwise than as
proprietor, usufructuary as institute, and who enjoys the
revenues derived from such immoveable ;

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

(j) The word "assessment" shall mean the rates levied Assessment ;
annually upon immoveable property in the city generally ;

(k) The words "special assessment," or "apportionment," Special as-
shall mean the assessment levied, from time to time, upon sessment ;
certain properties for special improvements ; Apportion-
ment ;

(l) The word "tax" shall mean the personal rate or Tax ;
license fee levied upon any trade, business, profession or
occupation generally ;

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

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

(o) The words "list of electors" shall mean the municipal List of elect-
list of electors. ors ;

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

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

Application
of preceding
article.

2. The above clauses apply equally to the interpretation of any by-law of the city and to the provisions of this charter.

Application
of certain
articles of R. S.

The provisions of section fifth of chapter two of the preliminary title of the Revised Statutes of the Province of Quebec containing certain declaratory and interpretative provisions, shall apply to this act, except in so far as the same may be inconsistent therewith.

Name of act.

3. This act shall be cited as the "Charter of the city of Montreal."

SECTION II

INCORPORATION

Persons in-
corporated.

4. The inhabitants and rate-payers of the city of Montreal, and their successors, shall continue to be a municipal corporation known and described by and under the name of "The City of Montreal," and as such shall have perpetual succession, and a corporate seal, with all the powers of legislation, control and administration commonly possessed by municipal corporations, and in addition thereto all powers specially granted to the said city by law and by the provisions of this act. The city of Montreal shall moreover have power to accept, take, purchase, and hold goods and chattels, lands and 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, or securing the payment of any money due by or to the city of Montreal, and to use and put in operation all other powers that may be necessary for the just and proper fulfilment and performance of its obligations, and functions.

Name and
general
powers.

Power to hold
property, &c.

SECTION III

BOUNDARIES AND JURISDICTION OF THE CITY

Limits of the
city of Mont-
real.

5. The territory of the city of Montreal is comprised within the following boundaries and limits:

On the southwest by a line commencing at a point in the river St. Lawrence on the boundary of the village of Verdun, at about 1750 feet southeast of the Lower Lachine road, and running northwesterly through lot official number 3261 of the parish of Montreal, parallel to and at a distance of 298 feet from the southwest limit of said lot number 3261 to the centre of the Lower Lachine Road, thence towards the northeast, along the centre of said road a distance of 58 feet, to the prolongation of the southwest limit of the Montreal water-works' tail-race, thence towards the northwest, along said limit lastly mentioned to the southwest side of the settling

basin of the Montreal water-works ; thence towards the north, along the said last mentioned side, to the northwest side of said basin : thence toward the southwest, along said northwest side of said basin, a distance of about 120 feet ; thence towards the northwest, along a line perpendicular to the northwest side of said settling basin, to the southern limit of lot official number 3410 of the parish of Montreal ; thence towards the east, along last mentioned limit, to the prolongation of the western alignment of Atwater avenue ; thence towards the north, along said alignment, crossing the Grand Trunk Railway, to the northeast limit of said railway ; thence to the northwest, along the last mentioned limit, to the centre of the Lachine Canal ; thence to the northeast, along the said centre line of the Lachine Canal, to the southeast extremity of the division line between the city of Montreal and the city of Sainte-Cunegonde ; thence towards the northwest, along the said division line, coinciding with the northeast limit of lots official numbers 2508, 556, 557, 555, 554, 508, 509, 507, 506, 466, 467, 465, 464, 461, 460, 432, 433, 431, 430, 407, 408, 406-10, 406-9, 406-8, 404-9, 404-8, 403-1, 403-2, 394, 395-1, 395-2, 395-3, 396-3, 393-1, 393-2, 393, 392-2, 392-1, 392-3, 391-3, 391-5, 387-4, 386-1, 386-2, 386-6, 386-124, 386-137, 386-138, 386-139, 386-140, 4709, 386-141, 386-196, 386-197, 386-198, 386-199, 386-201, 386-202, 386-203, 386-204, 386-205, 386-214, 386-215, 386-216, 386-217, 386-218, 386-219, of the parish of Montreal, to the prolongation of the northwest alignment of Dorchester street : thence, still towards the northwest, along the division line between the city of Montreal and the town of Westmount, said line coinciding with the northeast limit of lots official numbers 381, 378, 377 and 376 of the parish of Montreal, to the southeast limit of lot official number 170 of the village of La Côte des Neiges ; thence towards the northeast, along said last mentioned limit extended across Côte des Neiges Road, to its northern alignment ; thence to the northwest, along said alignment, to the southeast limit of lot official number 3 of the village of La Côte des Neiges ; thence, along an irregular line separating said lot number 3 from lot number 1 of said village ; thence towards the northeast, along the southeast limit of lot official number 4 of said village ; thence towards the northwest, along the northeast limit of said lot number 4 ; thence towards the northeast, along the southeast limit of lot official number 5 of said village ; thence towards the northwest, along the northeast limits of lots official numbers 5, 6, 7 and 8 of said village, to the entrance of Mount Royal Cemetery ; thence, along the irregular line which separates the said cemetery from Mount Royal Park, to the private road connecting Mount Royal Avenue with the said cemetery ; thence towards the northeast, along the southeast alignment of the said private road, to the intersection of Mount Royal Avenue with Côte Ste. Catherine

Road ; thence towards the northeast, along the centre of Mount Royal Avenue, to its intersection with the centre of Carrières street ; thence towards the northwest along said centre line of Carrières street to its western alignment, coinciding with the eastern limit of lot official number 166 of the village of La Côte St. Louis ; thence to the northwest, along the division line between the town of St. Louis du Mile End and the city of Montreal, running through lot number 166 of the village of La Côte St. Louis, and coinciding with the northeast limit of lots official numbers 167-23, 167-22, 167-21, 167-20, 167-19, 167-18, 167-17, 167-16, 167-15, 167-14, 167-13, 167-12, 167-11, 167-10, 167-9, 167-8, 167-7, 167-6, 167-5, 167-4, 167-3, 167-2, 167-1, extending through lots official numbers 168 and 170 ; thence continuing along the same straight line, coinciding with the northeast limit of lots numbers 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188 and 189 ; thence running through lot official number 190-3 and extending along the northeast limit of lots official numbers 190-5, 190-6, 190-7, 190-8, 190-9, 190-10, 190-11, 190-12, 190-13, 190-14, 190-15, 190-16 ; thence running through lots official numbers 190-30, 190-32, 190-34 ; thence along the northeast limits of lots official numbers 190-36, 190-37, 190-38, 190-39, 190-40, 190-41, 190-42, 190-43, 190-44, 190-45, 190-46, 190-47 ; thence along the same straight line through lots official numbers 190-61, 190-63, 8, 8^a, of said village and the Canadian Pacific Railway, to its northwest limits ; thence running along the same straight line, parallel to and at a distance of 14 feet from the southwest alignment of Cowan street through lots official numbers 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, 8-14, 8-15, 8-16, 8-17, 8-18, 8-19, 8-20, 8-21, 8-22, 8-23, 8-24, 8-25, 8-26, 8-27, 8-28, 8-29, 8-30, 8-31, 8-32, 8-33, 8-34, 8-35, 8-36, 8-37, 8-38, 8-39, 8-40, 8-41, 8-42, 8-43, 8-44, 8-45, 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, 8-52, 8-53, 8-54, 8-55, 8-56, 8-57, 8-58, 8-59, 8-60, 8-61, 8-62, 8-63, 8-64, 8-65, 8-66, 8-67, 8-68, 8-69, 8-70, 8-71, 8-72, 8-73, 8-74, 8-75, 8-76, 8-77, 8-78, 8-79, 8-80, 8-81, 8-82, 8-83, 8-84, 8-85, 8-86, 8-87, 8-88, 8-89, 8-90, 8-91, 8-92, 8-93, 8-94, 8-95, 8-96, 8-97, 8-98, 8-99, 8-100, 8-101, 8-102, 8-103, 8-104, 8-105, 8-106, 8-107 ; thence along the same straight line, through lots numbers 9-68, 9-69, 9-70, 9-71, 9-72, 9-73, 9-74, 9-75, 9-76, 9-77 of the village of La Côte St. Louis and through Sanguinet street, (lot official number 9-67), to a point situate at about 460 feet north of the northwest limit of lot official number 8-107 ; thence to the northeast, along the division line between the city of Montreal and the parish of St. Laurent, the said line being almost perpendicular to the limits lastly described, to the southwest limit of lot official number 2628 of the parish of St. Laurent ; thence towards the southeast, along the limit of said last mentioned lot, to the southeastern limit of the said lot number 2628 ; thence towards the northeast, along

the southeast limit of lots official numbers 2628 and 2629 of said parish, to the northeast limit of lot official number 2629 of the same parish; thence towards the northwest, along the limit lastly mentioned, to the southeast limit of lot official number 489-1 of the parish of Sault au Recollet; thence towards the northeast, along the division line between the city of Montreal and the parish of Sault au Recollet and coinciding with the southeast limit of lots official numbers 489-1, 489-12, 489-13, 489-24, 489-25, 489-37, 489-180, to the southwest limit of lot official number 488-74 of the said parish; thence towards the southeast along the southwest limit of lots official numbers 488-74, 488-73, 488-32, 488-31, 488-1, to the southeast limit of the said lot official number 488-1; thence towards the northeast, along the southeast limits of lots official numbers 488-1, 488-2*b*, 488-2*a*, 488-167, 488-168, 488-197, 488-198, 488-476, 488-477, 488-506, 488-507, 488-765, 488-776, 488-791, 485, 484, 483, and 482, of the parish of Sault au Recollet, to the southwest limit of lot official number 210 of the village of La Côte de la Visitation; thence towards the southeast, along the division line between the city of Montreal and the village of La Côte de la Visitation, coinciding with the southwest limit of said lot official number 210, to the Côte de la Visitation road; thence always toward the southeast, following the centre line of Papineau Avenue, as far as the prolongation of the southeastern limit of official lot number 154 of the said village of Côte de la Visitation (De Lorimier village); thence, to the northeast, following the line dividing the city of Montreal from De Lorimier village, coinciding with the southeastern limit of official lots numbers 154, 155, 153, 152, 11 and 10 of the said village, to the northeastern limit of official lot number 10 of the said village; thence towards the northwest, following the limit lastly described, to the southeast limit of lot official number 9; thence to the northeast, along the limit lastly mentioned, to the southwestern limit of lot number 7 of the said village; thence, to the southeast, following the limit lastly mentioned, to the southeastern limit of the same lot, thence, to the northeast, following the limit lastly mentioned and the southeast limit of official lot number 1 of the said village, to the northeast limit of the said lot of the said village, (the part of Rachel street, between Papineau avenue and the northeast of De Lorimier village, as well as that part of De Lorimier avenue running from the northwest limit of the city to Rachel street, to form part of the city of Montreal for municipal purposes); thence towards the northwest, along the northeast limits of lots official numbers 1, 2, 2*a*, 2*b*, 3, 4, 5 and 6 of the said village, to the eastern alignment of the Côte de la Visitation Road; thence towards the north, along the said alignment, to the southwest limit of lot official number 172 of said village; thence towards the south-

east, along the said last mentioned limit, to the southeast limit of lot official number 172; thence towards the northeast, southeast and northwest, along a broken line forming the southeast, northeast and northwest limits of lot official number 172, to the southwest limit of lot official number 173 of the said village; thence, in a straight line extending towards the northeast, along the southeast limits of lots official numbers 173 and 176 of the said village, to the southwest limit of lot official number 177; thence towards the northeast and the southeast, along a broken line which forms the southeast and part of the southwest limit, to the southwest limit of lot official number 178 of said village; thence to the northeast, along the southeast limit of lots official numbers 178, 179, 180 and 181 of the said village, to the southwest limit of lot official number 18 of the village of Hochelaga (now the town of Maisonneuve); thence towards the southeast, along the division line between the city of Montreal and the town of Maisonneuve, coinciding with the limit lastly mentioned and the southwest limit of lots official numbers 18-88, 18-87, 18-67*a*, 18-66*a*, 18-66, 18-62, 18-60*c*, 18-61, 18-17 and 18-14 of the Village of Hochelaga, prolonged, to the southeast alignment of Notre-Dame street; thence in the same direction, and following the southwest limit of lot official number 20 of the said village, to the centre of the river St. Lawrence; thence turning towards the southwest, and following the centre of the river, to the point of departure.

Certain is-
lands in city. St. Helen's Island, Ile Ronde and Ile Verte are comprised within the limits of the city.

Jurisdiction
of the city
for municipal
and police
purposes. No.

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

SECTION IV

WARDS OF THE CITY

Division into
wards.
Names of
wards.

7. The city of Montreal is divided into seventeen wards respectively called: East, Centre, West, St. Ann, St. Antoine South, St. Antoine West, St. Antoine East, St. Lawrence, St. Louis, St. James South, St. James North., St. Mary West, St. Mary East, Hochelaga, St. Jean-Baptiste, St. Gabriel, St. Denis; and each of said wards is comprised within the following boundaries and limits:

Boundaries
of:

1. East Ward is bounded as follows :

East Ward :

From the intersection of Craig and Lacroix streets, extending along the middle of Lacroix street and the prolongation of Lacroix street as far as the river St. Lawrence ; on the southeast by that part of the river St. Lawrence, situate opposite to and extending from the prolongation of Lacroix street to St. Gabriel street ; on the southwest, by a line extending along the centre of St. Gabriel street, from the river St. Lawrence to Craig street ; on the northwest, by a line extending along the centre of Craig street, from St. Gabriel street to the centre of Lacroix street.

2. Centre Ward is bounded as follows :

Centre Ward :

On the northeast by a line extending along the centre of St. Gabriel street, from Craig street to the river St. Lawrence ; on the southeast by that part of the river St. Lawrence situate opposite to, and extending from St. Gabriel street to Callières street ; on the southwest by a line extending along the centre of Callières street and St. Francis Xavier street, from the river St. Lawrence to Craig street ; on the northwest by a line extending along the centre of Craig street, from St. Francis Xavier street to St. Gabriel street.

3. West Ward is bounded as follows :

West Ward ;

On the northeast by a line extending along the centre of St. Francis Xavier street and Callières street, from Craig street to the river St. Lawrence ; on the southeast by that portion of the river St. Lawrence situate opposite to and extending from Callières street to McGill street ; on the southwest by a line extending along the centre of McGill street, and of the street running along the northeast side of Victoria Square, from the river St. Lawrence to Craig street ; on the northwest by a line extending along the centre of Craig street, from Victoria Square to St. Francis Xavier street.

4. St. Ann's Ward is bounded as follows :

St. Ann's
Ward ;

On the northeast by a line extending along the centre of McGill street, from Notre-Dame street to the river St. Lawrence ; on the southeast by that portion of the river St. Lawrence situate opposite to and extending from McGill street to the former southwestern boundary of the city ; on the southwest by a line extending along the former southwestern boundary of the city, from the river St. Lawrence to Notre-Dame street ; on the northwest by a line extending along the centre of Notre-Dame street from the southwestern boundary of the city to McGill street.

5. St. Antoine Ward South is bounded as follows :

St. Antoine
Ward South ;

On the northwest by the centre of St. Antoine street from the southwestern boundary of the city of Montreal (described in this charter) as far as Craig street and follow-

ing the centre line of the latter as far as Victoria Square, thence along the centre of the street which runs along the northeast side of Victoria Square and along the centre of McGill street from Craig street to Notre-Dame street; on the southeast by a line following the centre of Notre-Dame street, from McGill street to the southwestern boundary of the city of Montreal; thence following the said southwestern boundary lastly mentioned, from Notre-Dame street to St. Antoine street, at the point of departure.

St. Antoine
Ward West;

6. St. Antoine Ward West is bounded as follows:

On the northeast by a line following the prolongation of the centre of Mountain street, from the southeastern boundary of Mount Royal Park as far as St. Antoine street; thence along the centre of St. Antoine street, from Mountain street to the southwestern boundary of the city of Montreal as described in this charter; thence along the said boundary of the city from St. Antoine street to the southeastern boundary of Mount Royal Park; thence towards the northeast following the southeastern boundary of Mount Royal Park lastly mentioned to the prolongation of the centre of Mountain street, at the point of departure. Mount Royal Park is comprised in this ward.

St. Antoine
Ward East;

7. St. Antoine Ward East is bounded as follows:

On the northeast by a line following the centre of Durocher street from the boundary of Mount Royal Park, as indicated on the plan mentioned in the act of the Legislature of Quebec, 35 Victoria, chapter 32, section 6, as far as Sherbrooke street; thence along the centre of Sherbrooke street, from Durocher street to City Councillors' street; thence along the centre of City Councillors' street, from Sherbrooke street to St. Catherine street; thence along the centre of St. Catherine street, from City Councillors' street to St. Alexander street; thence along the centre of St. Alexander street, from St. Catherine street to Craig street; thence along the centre of Craig street and of St. Antoine street, from St. Alexander street to Mountain street; thence along the centre of Mountain street, from St. Antoine street as far as the southeastern boundary of Mount Royal Park; thence following the boundary of Mount Royal Park, from the prolongation of the centre line of Mountain street to the middle of Durocher street, at the point of departure.

St. Louis
Ward;

8. St. Louis Ward is bounded as follows:

On the northeast by a line extending along the centre of St. Denis street, from the former northwestern boundary of the city to Craig street; on the southeast by a line extending along the centre of Craig street, from St. Denis to St. Lawrence street; on the southwest by a line extending along the centre of St. Lawrence street, from Craig

street to the former northwestern boundary of the city ; on the northwest by a line extending along the former northwestern boundary of the city, from St. Lawrence street to St. Denis street.

9. St. Lawrence ward is bounded as follows :

St. Lawrence
Ward ;

On the northeast by a line extending along the centre of St. Lawrence street, from the former northwestern boundary of the city to Craig street ; on the southeast by a line extending along the centre of Craig street, from St. Lawrence street to St. Alexander street ; on the southwest by a line extending along the centre of St. Alexander street, from Craig street to St. Catherine street ; thence along the centre of St. Catherine street, from St. Alexander street to City Councillors' street ; thence along the centre of City Councillors' street, from St. Catherine street to Sherbrooke street ; thence along the centre of Sherbrooke street, from City Councillors' street to Durocher street ; thence along the centre of Durocher street, from Sherbrooke street to the southeastern boundary line of Mount Royal Park, as indicated on the plan mentioned in the act of the Legislature of Quebec 35 Victoria, chapter 32, section 6 ; on the northwest by a line extending along the Mount Royal Park boundary line, as shown on the plan above-mentioned, from the northwestern extremity of Durocher street to a point northeast of Park avenue where the said Mount Royal Park boundary line intersects the former northwestern boundary of the city ; thence along the former northwestern boundary of the city from Mount Royal Park to St. Lawrence street.

10. St. Mary Ward West is bounded as follows :

St. Mary
Ward West ;

On the northeast by a line extending along the centre of De Lorimier avenue from the former northwestern boundary of the city of Montreal to the river St. Lawrence ; on the southeast by that part of the river St. Lawrence situate opposite to and extending from the prolongation of DeLorimier avenue to Barclay street ; on the southwest by a line extending along the centre of Barclay street, from the river St. Lawrence to Notre-Dame street ; thence along the centre of Notre-Dame street, from Barclay street to Visitation street ; thence along the centre of Visitation street, from Notre-Dame street to the former northwestern boundary of the city of Montreal ; and on the northwest by the said former boundary of the city from Visitation street to DeLorimier avenue, at the point of departure.

11. St. Mary Ward East is bounded as follows :

St. Mary
Ward East ;

On the northeast, by a line extending along the centre of Iberville street, from the prolongation of the former northwestern boundary of the city to the river St. Lawrence ; on the southeast, by that part of the river St. Law-

rence, situate opposite to and extending from Iberville street to the prolongation of DeLorimier Avenue ; on the southwest, by a line extending along the centre of DeLorimier avenue, from the river St. Lawrence to the former northwestern boundary of the city of Montreal ; on the northwest, by the former northwestern boundary of the city to Iberville street, at the point of departure.

St. James
Ward South :

12. St. James Ward South is bounded as follows :

On the northeast by a line following the centre of Visitation street and extending from de Montigny street to Notre-Dame street ; thence following the centre of Notre-Dame street, from Visitation street, to Barclay street ; thence along the centre of Barclay street, from Notre-Dame street to the river St. Lawrence ; on the southeast by that part of the river St. Lawrence situate opposite to and extending from Barclay street to the prolongation of Lacroix street ; on the southwest by a line extending along the centre of the prolongation of Lacroix street, from the river St. Lawrence to Craig street ; thence along Craig street, from Lacroix street to St. Denis street ; on the southwest by a line extending along the centre of St. Denis street, from Craig street to De Montigny street ; on the northwest by a line following the centre of De Montigny street, from St. Denis street to Visitation street, at the point of departure.

St. James
Ward North :

13. St. James Ward North is bounded as follows :

On the northeast by the prolongation of the centre and afterwards by the centre of Visitation street, from the former northwestern boundary of the city of Montreal to De Montigny street ; on the southeast by the centre of De Montigny street, from Visitation street to St. Denis street ; on the southwest by the centre of St. Denis street from De Montigny street to the former northwestern boundary of the city ; and on the northwest by the former northwestern boundary of the city, from St. Denis street to the intersection of the said northwestern boundary with the prolongation of the centre of Visitation street, at the point of departure.

Hochelaga
Ward :

14. Hochelaga Ward is bounded as follows :

On the northeast by the northeastern boundary of the city ; on the southeast by that portion of the river St. Lawrence situate opposite to, and extending from the northeastern limit of the city to Iberville street ; on the southwest by a line extending along the centre of Iberville street, from the river St. Lawrence to a point where such line intersects the prolongation of the former northwestern boundary of the city ; thence along the line along Iberville street which divides the city from the municipality of DeLorimier, from the intersection above-mentioned

to the northwestern boundary of the city ; on the northwest by that portion of the northwestern boundary of the city between the municipality of DeLorimier and the northeastern boundary of the city.

15. St. Jean-Baptiste Ward is bounded as follows :

St. Jean-Bap-
tiste Ward :

On the northeast by the boundary line along Papineau Avenue dividing the city from the municipality of DeLorimier, from Mount Royal Avenue to the former northwestern boundary of the city ; on the southeast by a line extending along the former northwestern boundary of the city, from Papineau Avenue to Mount Royal Park boundary line, as indicated on the plan mentioned in the act of the Legislature of the Province of Quebec, 35 Victoria, chapter 32, section 6 ; on the southwest by the northeastern boundary of Mount Royal Park, as indicated on the plan above-mentioned, from the former northwestern boundary of the city to Mount Royal Avenue ; on the northwest by a line extending along the northwestern boundary of the city, from Esplanade Avenue to Carrières street, thence along the centre of Mount Royal Avenue from Carrières street to Papineau Avenue.

16. St. Gabriel Ward is bounded as follows :

St. Gabriel
Ward :

On the northeast by a line extending along the former southwestern boundary of the city, from the centre of Lachine Canal to the river St. Lawrence ; on the southeast by that portion of the river St. Lawrence situate opposite to and extending from the former southwestern boundary of the city to the present southwestern boundary of the city ; on the southwest by a line extending along the southwestern boundary of the city, the said boundary being the division line between the city and the municipalities of Verdun and Côte St. Paul, from the river St. Lawrence to the centre of Lachine Canal ; on the northwest by a line extending along the centre of Lachine Canal, from the municipality of Côte St. Paul to the former southwestern boundary of the city, the latter line forming part of the present southwestern boundary of the city.

17. St. Denis Ward is bounded as follows :

St. Denis
Ward.

On the northeast by a line extending along the boundary line between the city and the municipalities of Petite Côte and DeLorimier, from the division line between the city and Côte St. Michel to Mount Royal Avenue ; on the southeast by a line extending along Mount Royal Avenue, from Papineau Avenue to Carrières street ; on the southwest by the boundary line between the city and the municipality of the town of St. Louis ; on the northwest by that part of the northwestern boundary of the city, which is the boundary line between the city and the parishes of

St. Laurent and Sault au Recollet ; the whole in accordance with the plan of the city to be prepared in virtue of this charter.

SECTION V.

ANNEXATION OF MUNICIPALITIES

City limits may be extended by by-law.

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

Contents of by-law, &c.

Every such by-law shall contain a complete description of the territory to be annexed, with a plan thereof showing its area and boundaries, and also set forth the terms and conditions upon which it shall be so annexed, and shall determine whether the territory so annexed shall form a ward by itself, or be wholly or in part annexed to any existing ward or wards of the city.

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

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

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

10. A copy of such by-law shall be published once a week for one month in two English and two French newspapers in the city, and shall also be posted up at the door of the city-hall, at the door of the parish church of the municipality interested, at the door of the hall or building in which the council of such municipality usually holds its meetings, and in at least six other public places in the said municipality, or part of a municipality, as the case may be,—with a notice signed by the city-clerk, certifying that it is a true copy of the original by-law which will be taken into consideration by the city council, after the expiration of thirty days from the date of the last publication thereof, as aforesaid ; and stating that, on a day and hour, and at a place in the said municipality, or part of a municipality, as the case may be, to be fixed by the mayor of the city, and named and designated in the notice, such day not being less than fifteen, nor more than twenty days after such last publication, a general meeting of the electors, who are proprietors in the said municipality or part of a municipality, as the case may be, will be held for the purpose of considering such by-law, and approving or disapproving of the same.

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

Who shall
preside at
meeting.

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

Secretary-
treasurer to
attend.

The only question to be determined at such meeting shall be whether the majority of the qualified electors being proprietors in the said municipality, or part of a municipality, as the case may be, present at the said meeting, do or do not approve of the by-law.

Question to be
decided.

12. When the question has been put, the person presiding shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law; and his decision, if not appealed from, within an hour shall be final, and, within eight days thereafter, shall be communicated to the mayor of the city of Montreal, by a certificate under the hand of the secretary of the meeting.

Declaration
by president
after putting
the question.

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

Poll may be
demanded.

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

Votes how
polled.

15. If, at five o'clock in the afternoon on the day of the meeting, the votes of all the electors present have not been registered, the presiding officer shall adjourn the voting to the following day at ten o'clock in the forenoon, and the voting shall then be continued as on the first day and shall be closed at five o'clock in the afternoon of the said second day.

Polling may
be continued
on following
day in certain
cases.

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

Poll may be
closed in cer-
tain event.

Result how
declared.

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

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

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

If by-law dis-
approved.
If approved.

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

By-law by city
and approval
by Lieuten-
ant-Govern-
or.

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

Lieutenant-
Governor may
require in-
formation.

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

Decision of
Lieutenant-
Governor.

Coming into
force of by-
law.

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

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

Annexed mu-
nicipality
subject to by-
laws.

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

20. Any municipal officer, or member of a municipal council, who shall neglect or refuse to perform, or to concur in performing, any official act or duty required of him for carrying out the provisions of this section, shall be liable to a penalty of one thousand dollars, which penalty may be sued for in the name of Her Majesty, before any competent court, within six months after the offence was committed. Penalty on officer refusing to act.

SECTION VI

COUNCIL, MAYOR, ALDERMEN AND COMMITTEES OF THE COUNCIL

21. The administration of the affairs of the city of Montreal and the government thereof shall be vested in a council, consisting of a mayor and of two aldermen for each ward, all of whom shall be elected every two years. Composition of council.

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

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

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

If he refuses to approve thereof he shall return the same with his objections in writing, to the city-clerk, who shall submit them for reconsideration at the next meeting of the council, as a matter of urgency and privilege. If he refuse to approve, to be submitted for reconsideration.

If a majority of the members of the entire council reaffirm said by-law, resolution, obligation or contract, the mayor shall be bound to sign and approve the same, and if he shall refuse so to do, such by-law, resolution, obligation or contract shall be of no force. If reaffirmed mayor to sign, if he does not by-law, &c., comes into force.

tract shall be legal and valid as if signed and approved by him, subject, nevertheless to any special provisions of this charter by which a specified majority of the council is required for the approval of any by-law, resolution obligation or contract, or where the approval of the mayor is specially required.

Mayor a justice of the peace.
His salary.

24. The mayor shall be *ex officio* a justice of the peace for the city and district of Montreal, and shall be entitled to receive out of the funds of the city a salary not exceeding four thousand dollars per annum.

Qualification of mayor.

25. No person shall be either nominated or elected mayor, unless he has been resident in the city for one year immediately preceding the nomination, and unless he, during a continuous period of six months immediately preceding the day of his nomination, has been seized of, and has possessed as proprietor, in his own name, immoveable property in the city of the value of \$10,000, after payment or deduction of all charges imposed thereon; such qualification to be established by the valuation and assessment roll in force at the date of nomination, but this provision shall not apply to the mayor elected under the provisions of the following article.

Vacancy in office of mayor how filled.

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

Acting-mayor.

27. The council, at its monthly meeting, in the months of February, May, August and November, in each year, shall elect one of its members to act as acting mayor, if necessary, during the ensuing three months, and the alderman so elected shall have and exercise all the powers vested by law in the mayor whenever the mayor may be absent from the city, or whenever he may be unable to discharge the duties of his office.

His powers.

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

Aldermen to be justices of the peace.

28. The aldermen shall severally be justices of the peace for the city of Montreal during their term of office.

29. No person shall be either nominated or elected alderman, unless he has been resident in the city for one year immediately preceding the nomination, and unless he, during a continuous period of six months immediately preceding the day of his nomination, has been seized of and has possessed as proprietor, in his own name, immoveable property in the city, of the value of \$2,000, after payment or deduction of all charges imposed thereon ; the qualification, required by this article, to be established by the valuation and assessment roll in force at the date of nomination. Qualification of aldermen.

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

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

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

32. No person can act as mayor or alderman, unless he possesses at all times the qualification required by law. Qualifications to be possessed during full time.

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

34. In case the mayor or any alderman has ceded or in any manner whatever made over the immoveable property on which he qualified himself, or has mortgaged or encumbered the same so as to affect the amount required for his qualification, it shall be lawful for any two duly qualified electors to present a petition to the council, requiring the said mayor or alderman, as the case may be, to produce his title of such other immoveable property as he may qualify upon, together with the sworn declaration and certificate from the assessors provided for by article 92. and in default of his so doing, within a delay of thirty days, his seat shall *ipso facto* become vacant. If property on which mayor or alderman qualifies has changed hands.

35. No person can act as mayor or alderman, until he has taken before the city-clerk the oath of allegiance to Her Majesty, Her heirs and successors, and the oath of office, in the form No. 1. Mayor and aldermen to be sworn.

Qualification
to be nomin-
ated or elect-
ed mayor or
alderman.

36. No person can be validly nominated or elected as mayor or alderman, who is not a British subject, of the full age of twenty-one years, or who has been convicted of crime in any court of law, or who is in holy orders or a minister or teacher of any religious denomination, or a judge or clerk of any court, or member of the Federal or Provincial Governments, or who has any contract with the city for the performance of any work, or who is surety for any such contract, or who, as an advocate, conducts a cause against the city in any court of law, or in any expropriation proceedings, or who is a party to or interested in any suit against the city, or whose firm or any member thereof conducts a case against the city, or who is directly or indirectly interested in a cause, suit or claim against the city, or who is in any way accountable for the city revenue, or in the employ of the city, or who is indebted to the city for taxes, assessments on real estate, water-rates (special assessments for local improvements being excepted.)

Causes of dis-
qualification.

37. If any person, holding the office of mayor or alderman, makes an assignment of his property for the benefit of his creditors, or becomes insolvent, or takes or enters into holy orders, or becomes a minister or teacher of any religious denomination, or a judge or clerk of any court, or a member of the Federal or Provincial Governments, or becomes accountable in any way for the city revenue, or enters into the employ of the city, or is absent from the city or from the meetings the council for more than two months consecutively (unless in case of illness, or with the leave of the council), or directly or indirectly becomes a party to or security for any contract or agreement with the city, for the performance of any work or duty or for goods to be supplied to it, or directly or indirectly has any interest in, or derives any profit or advantage from, such contract or agreement, or is a party to or directly or indirectly interested in any claim or in any suit or legal process or in any expropriation or other case in which the city, if condemned, will have to disburse any moneys, or is the attorney for the claimant or for the plaintiff in any such process, suit or case, or is a member of a firm acting as attorneys or one of the members whereof acts as attorney as aforesaid, or if he has been declared guilty of any corrupt and fraudulent practice in the municipal elections, as provided in this charter and its amendments,—he shall thereupon immediately, in each such case, become disqualified, and shall cease to hold such office of mayor or alderman, as the case may be.

Present may-
or and alder-
man contin-
ued in office.

38. The mayor and aldermen who are in office, when this act comes into force, shall continue in office until they shall be replaced according to the provisions of this charter.

39. Each alderman shall receive, out of the funds of the city, as an indemnity or compensation for his services during his term of office, an annual sum of \$600.00 ; and every alderman elected chairman of a standing committee shall be entitled to an additional remuneration of \$200.00 per annum ; provided that there shall be deducted from such indemnity a sum of \$10.00 for every failure on the part of any alderman to attend a regular meeting of the council, and a sum of \$3.00 for every failure on the part of any alderman to attend any meeting of a standing committee of which he may be a member.

Indemnity of aldermen.

Proviso.

40. The council shall appoint at its first monthly meeting of February of each year, from its members, as many committees as it may deem necessary for the supervision of the administration of the several civic departments for which they are respectively named.

Appointment of committees by council for certain purposes.

The said committees shall also consider and report to the council upon any matters specially referred to them by the council.

Other duties.

41. The city council shall appoint a finance committee composed of seven of its members.

Appointment of finance committee.

42. The functions of the finance committee shall be :

Functions of finance committee.

The preparation of the annual estimates of expenditure ;
The consideration of all recommendations involving the expenditure of money, and also the awarding of all contracts subject to ratification by the council for works, materials and supplies, unless an appropriation has been already voted.

No recommendation for such purpose, in any way affecting the finances of the city, shall be adopted by the council unless the same shall have been previously submitted to and sanctioned by the finance committee, provided however that, upon the refusal of the finance committee to sanction an appropriation asked for by any committee, the council may, by a vote of three-quarters of its members, order such appropriation to be made.

Approval of finance committee required for certain recommendations.

No member of another standing committee can be a member of the finance committee.

Who may not be members of finance committee.

SECTION VII

LISTS OF ELECTORS

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

43. The following persons, if of the full age of twenty-one years, British subjects and not legally disqualified nor otherwise deprived of the right to vote in virtue of this

Qualification of electors :

charter, may be entered on the lists of electors, which shall be prepared in accordance with the following provisions, viz :

Proprietors : 1. Every male person and every widow or spinster whose names are inscribed on the last assessment and valuation roll in force as a *bona fide* owner or occupant of immoveable property, in the city, of the assessed value of \$300 or upwards, or of an assessed annual value of \$30 or upwards, according to said roll. In cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electors' list ;

Husband of woman under law of separation, as to property ; 2. The husband of any woman separate as to property, when the latter is seized, as owner, usufructuary or as institute, of immoveable property of the assessed value of \$300 or upwards, according to the assessment and valuation roll in force, or when she carries on trade or keeps a place of business which renders her subject to the payment of a tax, and when such place of business is entered on the tax roll as being of the assessed annual value of not less than \$30 ;

Tenants : 3. Every male person, and every widow or spinster, being an inhabitant householder in the city under a lease whose name is entered on the last tax roll in force as tenant of a dwelling house or part of a dwelling house, in the ward for which the list is made, of the value of \$300 or upwards or of the annual value of \$30 or upwards, according to such tax roll ;

Tenants of warehouses, &c. ; 4. Every male person, though neither an owner or householder, who, individually or jointly as a copartner with any other person, is entered on the last assessment and valuation roll or tax roll, in force, as the tenant under lease of any warehouse, counting-house, shop, office, or other place of business in the city ; provided that such warehouse, counting-house, shop, office or other place of business, if occupied by the said person individually, be assessed at a value not less than \$300.00, or, at a yearly assessed value of not less than \$30.00 ; or, if occupied by him as a copartner, that his proportion or share thereof be not of less value than the amounts aforesaid, respectively, according to the assessed value thereof.

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

Joint proprietors, joint tenants, &c. 44. When two or more persons are joint proprietors, joint tenants or joint occupants of land or buildings estimated on the valuation and assessment roll in force at an assessed

or annual value sufficient to qualify each for electoral purposes, each of said joint proprietors, joint tenants and joint occupants is qualified as an elector, and to be entered on the elector's list.

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

Where electors are to vote.

Proviso.

46. When the elector is not qualified in respect of residence, the chairman of the board of assessors shall determine where, in his judgment, the said vote for mayor may be most conveniently cast.

Where, when not qualified in respect of residence.

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

Persons not entitled to be entered on elector's lists.

1. Salaried permanent officers or employees of the city in receipt of an annual, monthly or weekly salary ;

2. Persons who are not British subjects ;

3. Persons who are no longer in possession as proprietors of the property on which they are qualified when said list is made ;

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

5. Proprietors or occupants who have not been householders in the ward since the month of May next preceding, if they are already entitled to vote in another ward ;

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

48. No person qualified to vote as tenant shall be entitled to have his name entered on the electors' list for any of the wards of the city who, on the first December preceding the completion of the list, shall be indebted towards the city for any taxes, assessments on real estate or water-rates (special assessments excepted.)

Payment of taxes a condition precedent to tenant's name being entered on list.

§ 2.—*Preparation of the Electors' Lists*

When electors' lists to be prepared.

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

What to contain.

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

Names to be omitted or removed therefrom.

51. In the preparation of the list the chairman of the board of assessors shall omit therefrom, and shall, from time to time, cause to be removed therefrom, the names of all persons who either are or who may become deceased, also the names of minors, of aliens, of non-residents, of corporation employees (as defined by article 47) and of all others who, by virtue of this charter, shall not be entitled to have their names entered on such list.

Examination of lists.

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

Subdivision of wards into polling districts.

52. The chairman of the board of assessors, in preparing the electors' list for each ward of the city, shall subdivide each ward into as many polling districts as he may deem necessary, and each of such districts shall contain not more than two hundred electors.

Report of such districts.

53. He shall make a report of such districts in duplicate, shall sign the same and keep one duplicate thereof, and shall transmit the other to the city-clerk.

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

Alphabetical list for each polling district.

55. The city-clerk shall be obliged to furnish to any ratepayer, asking for the same, a copy of any or all of the electors' lists for the year, and shall be allowed to charge for the same a fee of ten cents for one hundred words for such copy, upon the applicant depositing the amount necessary to pay for the same.

Copies of list to be furnished on demand to any ratepayer, &c.

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

Electors' lists for wards.

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

Each list for a ward a separate list.

58. If the chairman of the board of assessors refuses or neglects to make alphabetical lists of the electors according to the provisions of this charter, or if, in making such lists, he enters thereon or omits therefrom, knowingly, names which should not be entered or omitted, and if he thus transmits said list after having certified the same, under oath, he shall be liable to a fine not exceeding \$500, and, in default of payment, to a term of imprisonment not exceeding six months.

Penalty on chairman of board of revisors for refusal to perform or neglect in performance of duties.

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

If list not certified within certain delay, may be validly certified thereafter.

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

Duty of mayor to see that list is made, &c.

61. On the first of December, the chairman of the board of assessors shall deliver to the city-clerk the certified electors' list which shall be on the same day delivered by the latter to the city-treasurer.

Copy of list to be delivered to city-clerk and to city-treasurer.

This officer shall examine it and indicate thereon such electors as are not disqualified under article 48, by writing in red ink opposite their respective names in the column

Entries to be made on list by that officer.

reserved on the said list for remarks the letters T. P. or T. E. as the case may be, which shall bear his initials or his seal, the said letters respectively meaning : T. P.—*taxe personnelle*, personal tax, and T. E.—*taxes de l'eau*, water-rate ; according as the said electors were indebted for personal tax or for water-rate on the first December.

Return of list to city-clerk, who keeps it for examination.

On or before the twentieth of December, the city-treasurer shall deliver the electors' lists, verified as aforesaid, to the city-clerk, who shall keep the same in his office, where it may be examined by the parties interested until finally revised.

Notice to be published thereafter, and what to contain.

62. On receipt of the list delivered to him by the city-treasurer, the city-clerk shall cause to be inserted in two French and two English newspapers a notice of the revision of the electors' list (as per form 2) stating the day and place where the list for each of said wards shall be revised.

§ 3—*Examination and putting into force of the List*

Examination, etc., of list upon complaint.

63. Upon complaints filed in accordance with the following article and not otherwise, the electors' list for each ward of the city may be examined, corrected and revised by one of the recorders of the city, within the time mentioned in the notices given by the city-clerk, in virtue of article 62.

Notice to be given by qualified elector to have list for any ward amended.

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

Contents of notice and service thereof.

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

Application on day fixed.

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

Recorder to hear complaints and adjourn until

67. On the day fixed by article 62, the recorder shall hear the complaints filed as aforesaid, and shall adjourn from day to day until all such complaints have been

adjudicated upon; and after hearing such evidence as, all heard, in view of the nature of the case, shall be deemed sufficient &c. and reasonable, all witnesses being first duly sworn before the parties interested or their representatives, if present, the recorder shall make or cause to be made the necessary additions to or erasures from such list, and shall further correct all misnomers and all clerical errors therein.

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

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

69. The recorder may compel the officials and employees of the assessors' office and of the city-treasurer's office to be present at the sittings held for the revision of said list, and to give communication of the assessment and tax rolls and other records, under pain of the penalty mentioned in the preceding article. Attendance of officials, &c., before recorder with documents.

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

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

72. At the time fixed for the revision of the electors' list as aforesaid, the city-clerk shall lay before the recorder all the complaints filed in his office, as aforesaid. Complaints against list to be laid before recorder by city-clerk.

73. The revision of the list of the polling districts for each of the said wards of the city shall be completed at least two days before the date fixed for the nomination of candidates at elections held under this charter. When revision to be completed

74. As soon as the recorder shall have revised such list as aforesaid, he shall affix thereto a certificate, as per form No. 3, which certificate shall be countersigned by the city-clerk. Certificate after list revised.

Effect thereof
and duration
of list.

clerk, and such list shall thereupon become in force, and shall so remain in force until a new list is made and put in force in virtue of this charter.

Persons entered,
alone entitled to
vote.

75. Every person (and no other) is entitled to vote at the election to be held under the provisions of this charter, whose name, at the time of voting, appears on the electors' list in force.

Clerical errors.

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

Value of the
list.

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

Informalities
not to affect
the list.

78. No informality in the preparation, completion, revision and putting into force of the list shall have the effect of invalidating the same, unless an actual injustice results therefrom.

SECTION VIII

MUNICIPAL ELECTIONS

§ 1.—*Date of the Elections*

When elections
to be held.

First election
after act
comes into
force.

79. The election of the mayor and aldermen of the city shall be held every two years on the first juridical day of February in accordance with the provisions hereinafter contained; and the first election of mayor and aldermen, after the coming into force of this charter, shall be held on the first juridical day of the month of February, 1900.

§ 2.—*Returning Officer and Election-Clerk*

City-clerk to
be returning
officer.

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

81. Within at least five days before the fifteenth of January at noon, in the year in which a general election shall take place, the city-clerk shall appoint a competent person by commission under his hand, as per form No 4, as his election-clerk, to assist him in the discharge of his duties. He shall moreover give public notice, within the same period, of the time and place for the nomination of candidates.

Appointment
of election-
clerk.

82. Before acting in his official capacity, the election-clerk shall take the oath, mentioned in form No. 5, before the returning officer or a justice of the peace, who shall thereupon give him a certificate thereof according to form No. 6.

Oath of elec-
tion-clerk.

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

New election-
clerk in cer-
tain cases.

The new election-clerk after being sworn as provided by article 82 shall be bound to perform all the duties and obligations of such office under the same penalties as the former, in case of refusal or neglect on his part.

His duties.

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

When the
election-clerk
acts as return-
ing officer.

85. In the event of the returning officer being replaced, the election-clerk shall continue in office, unless he is replaced by another in the discretion of the new returning officer, in the manner above-mentioned.

If returning
officer re-
placed, clerk
to continue
unless re-
placed.

§ 3.—*Nomination of Candidates*

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

Nomination-
paper.

The nomination-papers shall be filed in the office of the city-clerk during office hours between the fifteenth day of January at noon and the twentieth day of January at noon,

When to be
filed and
where.

in the year wherein a general election is to be held, and the voting at such general election for the offices of mayor and alderman shall take place on the first day of February.

Designation
of aldermen's
seats.

87. The seats of the aldermen for each ward of the city shall be designated as No. 1 and No. 2, respectively.

Nomination-
paper for
mayor.

88. Each nomination-paper for the office of mayor shall be signed by at least ten electors qualified to vote and whose names are registered on the electors' list in force in any of the wards of the city, and shall mention the name and surname, residence and profession of the candidate.

Nomination-
paper for al-
derman.

89. Each nomination-paper for the office of alderman shall be signed by at least ten electors qualified to vote, and whose names are registered on the electors' list in force for the ward in which the election is to be held, and shall mention the name and surname, residence and profession of the candidate.

Mark affixed
equivalent to
signature.

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

Consent of
candidate un-
less absent.

91. Each nomination-paper shall be accompanied by the written consent of the person nominated, unless such person is absent from the Province.

Absence to be
stated.

In the latter case, the nomination-paper shall mention such absence.

Documents to
be produced
with nomina-
tion-paper.

92. With each nomination-paper shall be filed :

1. A declaration from the candidate stating under oath that he is a British subject, and that he is duly qualified under article 25 or 29, as the case may be, and containing a description of the real estate on which the candidate's qualification is based ;

2. A certificate from the chairman of the board of assessors, or his deputy, establishing the value of the aforesaid real estate, according to the assessment and valuation roll in force ;

3. A certificate from the city-treasurer showing that the candidate is not in the city's debt for taxes, assessments on real estate or water-rates, and that he has deposited the sum of two hundred dollars, as required by law, in the hands of the said treasurer.

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

The nomination-papers, together with the declarations and certificates above-mentioned, shall be delivered to the returning officer by the person nominated as candidate, or by any one on his behalf, within the period indicated in the public notice referred to in article 81.

When to be delivered to returning officer.

93. A sum of two hundred dollars, in gold, silver, Dominion notes, or bills of an incorporated bank doing business in this Province, must be paid into the hands of the city-treasurer by each candidate, previous to the delivery of the nomination-paper to the returning officer.

Deposit required.

This sum shall not be liable to seizure and shall be returned to the candidate in the event of his being elected, or, if not elected, of his obtaining at least one-half the number of votes counted in favor of the candidate elected; otherwise it shall belong to the city.

Not liable to seizure. To be returned to candidate in certain event.

The deposit provided for by this article shall also be forfeited if the candidate withdraws before the voting.

Forfeiture in certain other event.

94. Each nomination-paper shall also be accompanied by one or more affidavits, as per form No. 8, sworn before the returning officer or a justice of the peace, and setting forth:

Affidavits to be produced.

1. That, to the knowledge of the deponent, the names of the subscribers to the nomination-paper, or at least ten thereof, are entered on the electors' list in force for the ward in which the election is to be held, and that the nomination-paper was signed by the subscribing parties thereto in the presence of the deponent;

2. That the consent of the candidate to be nominated was signed by such candidate in the presence of the deponent, or that the person nominated is absent from the Province.

95. The qualifications as electors of the subscribers to the nomination-paper and the signatures or marks of each of them, or of at least ten of them, and the consent or absence of the candidate, may be established in one or more separate affidavits, and by one or more different persons.

Affidavits as to qualification, &c., of persons signing nomination-paper.

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

Oath if candidate produces nomination-paper.

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

Requisites as to validity of nomination-paper.

Declaration
of returning-
officer.

98. After accepting and examining the nomination-paper, the returning officer shall forthwith state whether he considers the same valid or not, and shall inscribe thereon, under his signature, the word "admitted," or the word "rejected", and, in the latter case, shall also state his reasons for rejecting the same.

Correction of
nomination-
paper, &c.

Such nomination-paper may then be corrected or replaced by another so long as the delay for receiving nominations has not expired.

Receipt
makes proof
of presenta-
tion.

99. The receipt which the returning officer shall give on demand, shall be sufficient proof that the nomination-paper and the written consent of the candidate have been regularly produced and that the sum required has been paid.

Election of
one candi-
date.

100. If, at the expiration of the delay fixed for the nomination of candidates for any of the said offices of mayor or alderman, one person only is required and is placed in nomination for any one of the said offices, such candidate shall *ipso facto* be elected, and it shall be the duty of the returning officer to forthwith proclaim such candidate elected and to give public notice of such election not later than the following day.

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

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

Votes for
others null.

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

Withdrawal
of candidate.

103. Any candidate, nominated as mayor or alderman, may, at any time before the closing of the poll, withdraw, by filing with the city-clerk a written declaration to that effect, signed by such candidate in the presence of two witnesses, who shall also sign the same; and, in such case, it shall be the duty of the returning officer, on receiving such declaration, to make known such withdrawal by public notice; and, if only one other candidate for such office remains, he shall thereupon proclaim such candidate to be duly elected; and in the latter case, all proceedings in connection with such election shall be discontinued.

Notice there-
of.

If one of two
candidates
dies before
closing of
poll.

104. If two persons are nominated for the office of mayor or alderman, and one of them dies before the closing of the poll, the city-clerk shall be bound to begin over again without delay the proceedings in connection with such elec-

tion, by giving the notice mentioned in article 81, and to fix a day for the nomination of candidates as well as a day for the polling, with an intervening delay of ten days.

In such case the deposit is returned to the person entitled thereto.

Return of deposit in such case.

§ 4.--*Proceedings preliminary to Voting*

105. At least six days prior to the voting, the city-clerk shall give public notice of the time and places fixed for such voting; such notice shall specify, at the same time, the different polls established and the places where the same are situated, as well as the territorial limits of the polling districts, according to their respective numbers.

Notice of voting and what to contain.

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

The returning officer shall, at the same time, publish and post up instructions for the guidance of electors in voting, and a list of the different polls and the places where they are situated.

Posting up of instructions to electors.

§ 5.—*Deputy Returning Officers*

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

Appointment of deputy returning officer for each poll.

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

New deputy returning officer in certain cases.

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

Duties.

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

Oath.

Returning officer shall furnish list of electors.

109. It shall be the duty of the returning officer to furnish to each deputy returning officer a copy or extract from the electors' list in force, containing the names of the electors entitled to vote at the poll for which he is appointed.

To be certified.

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

New list if lost.

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

Ballot-box.

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

How made.

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

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

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

Ballot-papers to be furnished by returning officer.

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

Description.

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

Form of ballot-papers.

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

Paper to be used.

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

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

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

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

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

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

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

§ 6.—*Poll-Clerks*

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

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

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

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

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

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

Replacing the deputy returning officer in certain cases. **122.** In the event of the deputy returning officer refusing or neglecting to discharge the duties of his office, or becoming unable to discharge such duties and in the event of no other deputy returning officer, appointed instead of the former, presenting himself at the poll, the poll-clerk shall, under the same penalties as those imposed upon a deputy returning officer, act as deputy returning officer, without being obliged for such purpose to take any new oath, and shall fulfil all the duties and the obligations thereof, in the same manner as if he had been appointed deputy returning officer.

Appointment of new poll-clerk. **123.** Whenever any poll-clerk shall act in the case provided for in the preceding article, he shall have power to appoint, by commission under his hand, according to form No. 16, another person as poll-clerk to aid and assist him, and shall administer to such person the oath required of a poll-clerk under this charter from a poll-clerk.

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

§ 7.—*Voting*

Place of voting. **124.** The voting shall take place in a room or building of convenient access, with a door for the admission of the voters, and having, if possible, another for exit.

Compartments in poll-house. **125.** One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and so that he may mark his ballot paper without interference or interruption from any person whomsoever.

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

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

Who may remain in the room. **126.** In addition to the deputy returning officer and the poll-clerk, no person other than the candidates and their agents, not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given during the time the poll remains open.

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

127. One of the agents of each candidate, or, in the absence of such agent, one of the electors representing a candidate under the preceding article, shall take the oath, in the form No 17, to keep secret the names of the candidates for whom any of the voters may have marked his ballot-paper in their presence, as prescribed by article 141, and no other person except one of the two officers in the poll-room can assist at such vote. Oath of agents.

128. At the hour fixed for opening the poll, the deputy returning officer and the poll-clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot-box and ascertain that there are no ballots or other papers in the same. Examination of ballot-box.

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

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

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

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

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

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

134. The voter shall receive from the deputy returning officer a special and separate ballot-paper for each office of alderman for which he may be entitled to vote; and on the back of each ballot-paper the deputy returning officer shall previously put his initials. Delivery of ballot-paper.

Oath of elect-
or if required.

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

FORM OF OATH OR AFFIRMATION.

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

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

2. Are you a British subject?

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

4. Have you already voted to-day at this election for mayor (or alderman, *as the case may be*), at this or any other poll?

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

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

If oath ten-
dered for pur-
poses of iden-
tification on-
ly.

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

No ballot to
be given to
person who
has refused to
be sworn.

137. No ballot-paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in article 135 or article 136 when thereunto required.

Oath exacted
by deputy re-
turning officer
in certain ca-
ses.

138. Whenever any deputy returning officer has reason to know or believe that any person presenting himself to vote has already voted at the election and presents himself with the view of voting again, or that such person desires to vote under a false name or designation or falsely gives himself out or represents himself as entered upon the list of electors, such deputy returning officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law, under penalty of a fine of

\$200.00 dollars, and, in default of payment, imprisonment of not more than twelve months ; and, in such case, mention is made of such formality by adding after the word "sworn" these words : "in virtue of article 138."

139. The voter, on receiving the ballot-paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot-paper making a cross with a pencil, in the space of the ballot opposite the division containing the name of the candidate for whom he intends to vote, after which he shall fold it so that the initials endorsed thereon may be seen without unfolding it and shall hand it to the deputy returning officer, who shall, by examination of his initials without unfolding it and of the printed number on the annex, ascertain that such ballot-paper is that supplied by him to the voter, and, after having detached the annex, he shall, immediately, and in the presence of the voter, place the ballot in the ballot-box. Preparation of ballot-paper.

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

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

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.

141. The deputy returning officer alone, on application of an elector 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 elector in the following manner : Aid in preparing ballot-papers.

1. By marking his ballot-paper in favor of the candidate indicated by the elector in the presence only of the sworn agent of each candidate or of one of the sworn electors, who represent him, as the case may be ;

2. By placing such ballot-paper in the ballot-box.

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

"I solemnly swear (or affirm) that I cannot alone and without assistance make the required mark upon my ballot-paper as I desire to do." Form of oath.

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

Votes of election officers, &c., upon certificate.

144. Any person who is entitled to vote in the ward in which the election is being held, and who has been appointed deputy returning officer, poll-clerk, or polling agent of one of the candidates, for a poll other than the one where he is entitled to vote, shall, on request, receive from the returning officer a certificate showing such right to vote and authorizing him to vote at the poll where he is employed.

Manner of voting.

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

Entry in poll-book.

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

Certificate when given.

Such certificate is given only upon the written power of attorney of the candidate and forms part thereof, and shall be put with the other election documents.

Spoiled ballot-paper.

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

Votes tendered after previous vote in same name.

147. If a person, representing himself to be an elector named on the list of electors, applies for a ballot-paper after another person has voted as such elector, the applicant, upon taking the oath or affirmation specified in article 135 shall be entitled to vote as any other elector.

Entry in poll-book.

148. Mention shall be made in the poll-book of the fact that the voter has voted on a second ballot-paper issued under the same name, and that, on demand, he has taken the required oath or affirmation mentioned in article 147 and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate.

Interpreter.

149. Whenever the deputy returning officer may not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote.

Delay to be avoided.

150. 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.

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

151. No elector shall be allowed to take his ballot-paper out of the poll, under the penalty of being *ipso facto* deprived of his vote at that election, and of further incurring a penalty not exceeding \$200.00, and imprisonment not exceeding six months in default of payment. Taking ballot-paper away prohibited.

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

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

154. With the exception of the case provided for in article 141, no person shall interfere with or attempt to interfere with an elector when preparing his ballot-paper, or otherwise make any attempt to obtain information at the poll as to the name of the candidate for whom any elector at such poll is about to vote or has voted, nor endeavor to discover the number of the ballot and the mark of the elector. Interference prohibited.

155. Every election officer, candidate, agent and elector in attendance in a poll and taking part therein, shall previously take the oath of secrecy in the form No. 19 before the deputy returning officer; if they refuse so to do, they shall be excluded from the poll. They shall maintain and aid in maintaining the secrecy of the voting at such poll; but it shall be lawful for them to give to any candidate or his authorized representative the names of the electors who have voted or not. Oath of secrecy to be taken by certain persons.

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

157. Whosoever acts in contravention of any of the provisions of articles 154, 155 and 156 shall be liable to a penalty not exceeding \$200.00, and imprisonment not exceeding six months in default of payment, or both together, with or without hard labor. Penalty for contravention.

Penalty for
certain offences.

158. Whosoever :

1. Fraudulently puts into any ballot box any paper other than the ballot-paper which he is authorized by law to put in ; or

2. Fraudulently takes out of the poll any one or more ballot-papers ; or

3. Attempts to commit any of the acts specified in this article ; or

4. Forges, counterfeits, fraudulently alters or defaces or destroys any ballot-paper or the initials of the deputy returning officer signed thereon, or destroys, takes, opens or manipulates without authority any ballot-box or parcel of ballot-papers in use or having been in use at any election, or who, without authority, supplies any ballot-paper to any person or procures the same for himself, in view of the election ; or

5. Attempts, assists, provokes, counsels or facilitates the commission of any of the above mentioned offences ;

Shall, for each offence, incur :

If an election officer or other person engaged in the election, a penalty of \$1,000.00, and imprisonment for two years in default of payment, or both together, with or without hard labor ; or

If any other person, a penalty of \$500.00, and imprisonment for six months in default of payment, or both together, with or without hard labor.

Penalty
against deputy
returning
officer for cer-
tain offences.

159. Any deputy returning officer who delivers to any person, presenting himself as an elector at a poll, a ballot-paper upon the back of which the said deputy returning officer shall not have put his initials, or shall have improperly placed his initials in contravention of article 134, or upon which the said deputy returning officer shall have placed any words or marks other than such as are required by the said article 134, or required in case of resignation of a candidate, shall be liable, on summary conviction, to a penalty not exceeding ten dollars and costs for such offence and in default of payment to imprisonment not exceeding ten days.

Vote not to
be disclosed.

160. No person shall, in any legal proceeding, be required to state for whom he has voted at any election.

Witnesses
need not ap-
pear on vo-
ting day.

161. No elector, summoned as a witness before any judge or tribunal whatever in this Province, shall be compelled to be or appear before such judge or tribunal on the day during which voting takes place in the ward in which such elector is entitled to vote.

Elector may
quit work to
vote between
certain hours.

162. On the day of a municipal election, any elector may quit his work on which he is employed in any capacity whatsoever from noon to two o'clock for the purpose of regis-

tering his vote, and it shall not be lawful for his employer to reduce his salary directly or indirectly on account of such absence.

§ 8.—*Counting the Ballot-Papers.*

163. At five o'clock in the evening the voting-room shall be closed, the voting shall cease and an entry thereof shall be made on the poll-book.

164. Immediately thereafter, the deputy returning officer shall, in the voting-room and in presence of the poll-clerk and of the candidates or their agents, or, in the absence of any one of the candidates or his agents; in the presence of at least two electors representing each candidate, open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate.

165. The deputy returning officer, on reading and counting the ballot-papers, shall reject;

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

2. All those by which it has been attempted by any mark to vote for more than one candidate on one ballot paper;

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

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

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

166. After the remaining 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, the deputy returning officer shall place in separate envelopes or parcels:

1. The ballot-papers cast for each candidate;

2. The ballot-papers rejected by him;

3. The spoiled ballot-papers and those unused;

4. The annexes.

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

168. The deputy returning officer shall take a note of any objection to any ballot-paper found in the ballot-box, made by any candidate, his agent or any elector present, and shall decide at once any question arising out of the objection.

His decision shall be final, and shall only be reversed on petition, questioning the election or return, or on a recount before the judge.

Objections to be numbered, &c.

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

Entry in poll-book.

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

Statement of ballot-papers and votes.

170. The deputy returning officer shall make out a statement indicating the number of the :

1. Accepted ballot-papers ;
2. Votes given to each candidate ;
3. Rejected ballot-papers which can not be assigned to any candidate ;
4. Spoiled and returned ballot-papers ;
5. Ballot-papers which have not been used and which are returned by him ; and
6. Number of names voted upon more than once.

Original to be placed in the ballot-box.

171. This statement shall be written out at length and in figures at the end of the poll-book, and shall be signed by him and his clerk, and by such agents of the candidates who wish to sign it ; a similar one, signed in the same manner, shall be made and deposited in the ballot-box, and another which shall be given to the returning officer ; and he shall deliver copies thereof, gratuitously, to one of the agents of each of the candidates, or to one of the electors (representing each candidate) who took part in the counting of the ballots and who may ask for it.

Oaths of deputy returning officer and poll-clerk. Before whom taken.

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

The deputy returning officer may take such oath before the poll-clerk.

Documents to be placed in the ballot-box.

173. He shall also place in the ballot-box all the lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors who voted on such list.

The poll-book, his commission, that of the poll-clerk, their oaths of office, the unused ballot-papers, and all other lists or documents that may have been used or required at such election, shall also be placed, by the deputy returning officer, in the ballot-box.

Delivery of the box.

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

Secrecy at counting.

174. Every election officer, candidate, agent or elector in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting ; and none of

such persons shall attempt to ascertain at such counting the name of the voter whose vote is given by any particular ballot-paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

175. Whosoever shall act in contravention of any provision of the foregoing article shall be punishable by a penalty not exceeding \$200.00 and an imprisonment not exceeding six months in default of payment. Penalty for contravention.

§ 9.—*Close of the Election*

176. The returning officer, immediately after having received all the ballot-boxes, shall proceed to open them, in the presence of the election-clerk and of one other witness, as also in the presence of the candidates or their respective agents who have been notified by registered letter of the day, hour and place, at which the boxes shall be opened, and shall add up and ascertain the number of votes given for each candidate, from the statements found in the several ballot-boxes returned by the deputy returning officers in accordance with article 171, and if no statement is found in any ballot-box, then the returning officer shall ascertain the number of votes given for each candidate from the statement furnished him by the deputy returning officer in accordance with article 171 and not by any other document, saving the following provisions. Opening of the ballot-boxes by the returning officer and counting of the votes.

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

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

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

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

Candidate
elected.

180. The candidate who, on the final summing up of the votes after the same have been ascertained and determined in the manner hereinbefore provided, shall be found to have a majority of votes, shall be then declared and proclaimed elected.

Casting vote
of the return-
ing officer.

181. When, on the final addition of votes, an equality of votes is found to exist between the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the returning officer immediately to give, in presence of the election-clerk and of the witness, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

Otherwise has
no right to
vote.

In no other case shall the returning officer have the right to vote.

§ 10.—*Recount before a Judge*

Recount of
votes before
the judge in
certain cases.

182. In case it be made to appear, within four days after that on which the returning officer has made the final addition of the votes for the purpose of declaring the candidate elected, upon petition, supported by the affidavit of any credible witness, to a judge of the superior court in the district of Montreal, that a recount may change the result of the election as announced by the returning officer; and in case the applicant deposits, within the same period of four days, with the prothonotary of the superior court, the sum 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, and to make the final addition thereof.

Notice to can-
didates, &c.

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

Persons pres-
ent at recount.

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

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

Formalities
required for
recount.

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

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QUÉBEC.**

186. The judge shall, as far as practicable, proceed with such recount of votes, continuously, except on Sundays and other non-juridical days, 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.

Day and hour
on which re-
count shall
take place.

187. During the excluded time and recess for refreshments, the said 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.

Packets to be
sealed during
adjournment.

188. The judge shall proceed to recount the votes according to the rules set forth in article 165, 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.

Rules for re-
count of votes.

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

Power of
judge.

189. Upon the completion of such recount, or 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 returning officer, who shall then proclaim elected the candidate having the highest number of votes.

Ballot-papers
to be sealed
up thereafter.

Certificate of
result.

In case of an equality of votes the returning officer shall give his casting vote, as provided in article 181.

Casting vote
of returning
officer.

190. 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 of the candidate, appearing to be elected, to be paid by the applicant ; and the deposit shall be paid over

Costs of re-
count.

to the said candidate, on account thereof, so far as necessary, and the judge shall tax the costs on giving his decision;—if the deposit be insufficient, the party in whose favor costs are allowed shall have his right of execution for the balance. .

§ 11.—Miscellaneous

Documents to be kept by the returning officer for certain time.

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

Copies may be delivered by him of all documents, except ballot-papers, on payment of fees. Copies to be proof.

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

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

Inspection of ballot-papers by order of judge.

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

Granting of order.

194. Such rule or order shall be granted by such court or judge, upon evidence under oath, that the inspection or production of such ballot-papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to such ballot-papers, or for the purpose of preparing or sustaining a petition questioning an election or return.

Conditions of order.

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

Effect thereof.

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

Errors and omissions which do not annul election.

197. No election shall be declared invalid by reason of:

1. Non-compliance with the formalities contained in this act, as to the proceedings connected with the voting or the counting or summing up of the votes; or
2. Any mistake in the use of the forms annexed to this act.

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

Election not to be set aside in certain event.

§ 12.—*Provisions applicable to the various Election Officers*

199. Any returning-officer, election clerk, deputy returning officer, or poll-clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this charter, shall, for each such refusal or neglect, be liable to a penalty of \$200.00, and imprisonment for six months in default of payment, except in the cases otherwise provided for.

Penalty for refusal or neglect.

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

Oath administered by the returning officer;

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

By deputy returning officer.

202. Every returning officer who wilfully delays, neglects or refuses to declare and proclaim elected any person by law entitled to be declared and proclaimed elected mayor or alderman, is subject to a penalty of \$1,000.00; the recourse at law against such returning officer for all damages sustained by such person by reason thereof being reserved to such person, in case it has been determined, on the hearing of an election petition, that such person was entitled to have been declared and proclaimed elected.

Penalty on returning officer neglecting to declare candidate elected.

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

Accessories.

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

Prescription of suit.

§ 13.—*Maintenance of peace and good order*

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

Returning officer and deputy returning officer conservators of the peace.

Bound to
maintain
good order.

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

May require
aid and swear
constables.

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

Arrest of
offenders.

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

Arms may be
required to be
delivered : p.

209. The returning officer or deputy returning officer may, during the nomination day and polling day, require any person, within half a mile of the place of nomination or of the poll, to deliver to him any weapon, firearm, sword, staff, bludgeon or other offensive weapon in the hands or possession of such person.

Fine.

Every person refusing to deliver such weapons shall be liable to a penalty of \$100.00, and imprisonment for three months in default of payment, and, if there is any danger of their being used to disturb the election, such person may be arrested and treated in accordance with the preceding article.

Entering pol-
ling division,
&c., with
arms forbid-
den.

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

Approach-
ing
polls with
arms forbid-
den.

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

Exception for
officers.

The prohibitions mentioned in articles 210 and 211 shall not apply to the returning officer, or to the election-clerk, or to the deputy returning officer or poll-clerk, or to the constables or special constables at any election.

Furnish-
ing
flags, &c.,
forbidden

212. No candidate or other person shall furnish, or give to any person whomsoever any flag, standard, banner, distinctive color, ribbon, signal, cockade, or anything of such

nature, to the end that the same may be carried or used within any ward of the city, between the eighth day before the nomination day and the day following the close of the voting, as a banner or party signal, distinguishing the bearer or his followers as partisans of such candidate, or holding the same opinions or the opinions supposed to be held by such candidate.

213. No person, upon any pretense whatever, shall carry any flag, standard, ensign, banner, distinctive colors, ribbon, signal, cockade, or any other similar thing, nor shall the same be used as a banner or party sign within the limits of the city, from the day of nomination until the day after the close of the voting. Carrying them for-bidden.

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

215. Every person offending against any of the provisions of articles 212, 213 and 214, shall incur a fine not exceeding \$200.00, and imprisonment, not exceeding six months, in default of payment, or both together. Penalties.

216. Every bar in any hotel or club, every hotel, tavern, shop, or store, whether licensed or not, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day of voting up to the closing of the poll in the voting subdivisions or wards of the city in which the polls are held, under penalty of \$200.00 and imprisonment for six months in default of payment. Hotels, &c., to be closed

217. No spirituous or fermented liquors or drinks shall be sold or given to any person whomsoever, within the limits of a voting subdivision or ward of the city, during the said period, under a penalty of \$200.00 and imprisonment for six months in default of payment. Sale, &c., of liquor for-bidden.

218. On the day of the polling, until the closing of the poll, it is prohibited, within any ward of the city in which an election is held, under a penalty of imprisonment of one month at least and six months at most, either to sell for a price in money or in exchange for any article whatever, or lend or deliver, or gratuitously supply any quantity whatever of spirituous or fermented liquor; the only exception to this provision, (the burden of proof whereof is upon the accused), is established in favor of the sick, in which case the liquor can only be sold, lent, delivered or supplied upon Liquor not to be supplied during certain days. Exception for the sick.

the certificate of a priest or minister of some religious denomination, or of a doctor; and whoever shall give or deliver a false certificate in respect thereof shall be liable to a fine of \$100.00 and, in default of payment, to imprisonment of one month.

Liquor not to be brought into ward during an election.

219. During the days and hours mentioned in article 218, and under the same penalties, but subject to the same exceptions in case of sickness, it is forbidden to cause to be brought or transported, or to bring or transport, within the limits of any ward of the city from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor.

Exception for merchants, &c.

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

Penalty on drunken persons disturbing public order.

220. During the days mentioned in article 218, whoever is found under the influence of liquor and consequently disturbing public order in or on any street, lane, road, by-road, or public square, or in any hotel, restaurant, tavern or place of public resort whatever, within the limits of the city is liable to an imprisonment of thirty days at most.

Certain places not to be used as committee room, &c.

221. It is prohibited to lease or let, as a place of assembly for an election committee or election meeting, any house, part of a house or place in which are retailed spirituous or fermented liquors, or in which food or liquor is ordinarily supplied for payment, or to make use of any such houses or places for that purpose, under penalty of a fine of \$100.00 and of an imprisonment of three months in default of payment.

§ 14.—*Corrupt Practices, Bribery and Election Expenses*

Corrupt practice defined.

222. Any act or offence punishable under any of the provisions of articles 223, 224, 226, 227, 228, 229, 231, 232, 233, 235, 236, 237, 238, 239, 240, 242, 243, 245, or 247, also the payment of money or other valuable consideration, made to any elector to engage him to work, or for working or for having worked as a canvasser, provided the same is made with a corrupt intent with respect of the election, shall be a corrupt practice within the meaning of this act.

Bribery.

223. Every person shall be deemed guilty of bribery and shall be punishable accordingly :

Gift, loan, &c., for the purpose of indu.

(a). Who, directly or indirectly, by himself or by any other person or his behalf, gives, lends or agrees to give or lend, or

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

(b) Who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or endeavors to procure any office, place or employment, to or for any elector, or to or for any other person in order to induce such elector to vote or to refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election ;

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

(d). Who, upon or in consequence of any such gift, loan, offer, promise, or agreement, procures or promises, or endeavors to procure the return of any candidate as mayor or alderman in the council, or the vote in his favor of an elector at any election ;

(e) 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.

224. Whoever, immediately previous to and during an election and by reason thereof, with a view of promoting it and securing votes, or of interfering with the freedom and sincerity of the votes of the electors or of the electorate, causes temporary work to be performed by paid electors whom he employs, is guilty of corrupt practice and liable to a fine of \$400.00 and an imprisonment of six months in default of payment.

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

225. 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, postages, 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.

Bribery :

226. Every person shall be deemed guilty of bribery and shall be punishable accordingly :

Electors, &c.,
receiving
gifts before,
or during an
election ;

1. Who, being an elector or voter, before or during any election, directly or indirectly, by himself or by any other person on his behalf, takes, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment; for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

Or after an
election.

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

Bribery in re-
lation to a
candidate.

227. Every person shall be deemed guilty of bribery and shall be punishable accordingly, who, to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw, if he has so become :

1. Shall give or lend money or any valuable consideration whatever, or shall agree to give or lend, or shall offer or promise, or shall promise or try to procure for such person or for any other person, any money or valuable consideration whatever ; or

2. Shall give or procure any office, place or employment, or shall agree to give or procure, or shall offer or promise, or shall promise to procure or endeavor to procure such office, place or employment for such or any other person.

Receiving
money to be
or not be can-
didate is
bribery.

228. Whosoever, in consideration of any gift, loan, offer, promise or agreement, as mentioned in the preceding article, shall allow himself to be nominated, or refuse to allow himself to be so nominated, or shall agree not to allow himself to be nominated, or shall withdraw if he has been so nominated, shall be deemed guilty of bribery and be punishable accordingly.

Wagers for-
bidden.

229. Any elector who takes any bet or wager concerning or in relation to any election, in the ward where he is an

elector and any other person who furnishes money for such purpose, shall be deemed guilty of bribery, and shall be punished accordingly.

230. Any person guilty of any of the acts of bribery mentioned in articles 223, 226, 227, 228 and 229 shall be liable to a penalty of not less than \$200.00 nor more than \$400.00, and imprisonment for not less than six months nor more than twelve months, with or without hard labor, and also an imprisonment of six months in default of payment. Penalty.

231. 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 is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, refreshments or provisions for any person, whether an elector or not, in order to be elected or for being elected, or for the purpose of corruptly influencing such person to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to imprisonment for one month at most and a penalty of \$200.00, and imprisonment for six other months in default of payment, in addition to any other penalty to which he is liable under any other provision of this charter. Treating by candidate. Penalty.

232. Every elector, who, with a corrupt motive, accepts or takes any such meat, drink, refreshments or provisions, is also guilty of the offence of treating, and is liable to a fine not exceeding \$50.00 and not less than \$10.00, and an imprisonment of three months in default of payment. Penalty on elector accepting drinks, &c.

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

Whosoever shall have been guilty of such act of treating shall, for each offence, be liable to a penalty of \$10.00 and imprisonment of one month in default of payment, for each time and for each elector treated, in addition to the other penalties enacted by this charter. Penalty.

234. On the trial of an election petition, there shall be struck off, from the number of votes given for such candidate, one vote for every person who shall have so voted, and Votes struck off.

is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshments or provisions.

Penalty on
elector ac-
cepting
drinks, &c.

235. Every elector who accepts or takes, during the prohibited time, any such meat, drink, refreshments or provisions, or any money or note to enable him to obtain the same, because he is about to vote or has voted, is guilty of the offence of treating, and is liable to a fine of \$10.00, and imprisonment for one month in default of payment, for each time he was so treated.

Double pen-
alty in cer-
tain cases.

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

Treating.

236. Every person, who, corruptly, by himself or by or with any person, or by any other way or means, in the interest of any candidate, at any time, either before, during or after any election, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, refreshments or provisions to any person, for the purpose of aiding any candidate to be elected, or because any such candidate was elected, or for the purpose of corruptly influencing such person or any other person, to give or abstain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to a fine of \$200.00, and an imprisonment of six months in default of payment, or both together, with or without hard labor, in addition to all other penalties enacted by this charter.

Penalty.

Proviso.

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

Undue influ-
ence.

237. Every person shall be deemed to be guilty of the offence of "undue influence," and shall be punishable accordingly by a penalty of \$200.00, and imprisonment for six months in default of payment, and of imprisonment for six other months in addition in the discretion of the court, with or without hard labor :

Penalty.

Threats.

1. Who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of any force, violence, or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or harm to his person or property, or loss of employment, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election ;

2. 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 or prevents him from going to vote.

Interference
with free
franchise.

238. Every person, who, directly or indirectly, or in any manner, induces or constrains, or attempts to induce or constrain any one to take a false oath, in any matter in which an oath is required in virtue of this charter, shall for the purpose thereof, over and above any other punishment to which he may be liable for such offence, be liable to a fine of \$200.00, and an imprisonment for six months in in default of payment, and another imprisonment of six months in the discretion of the court, with or without hard labor.

Intimidation.

Penalty.

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

Penalty on
persons
agreeing to
take false
oath.

240. Every person shall be deemed to be guilty of the offence of "personation," and shall be punishable accordingly by a penalty of \$500.00, and imprisonment for six months in default of payment, in addition to an imprisonment not exceeding six 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 during the same election for another ballot-paper in his own name or presents himself again to vote at the same or any other poll-house ;

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

241. 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 or on a warrant by the returning officer, a justice of the peace, an officer of the peace or a constable, and be taken to and kept in a police station or in the common gaol of the district of Montreal, until the election is over or until bail be given that such person so arrested shall appear to answer unto the charge to be brought against him respecting such act before the recorder's court.

Arrest on
view, &c., of
offenders, &c.,
against pre-
ceding ar-
ticles.

Conveyance
of voters.

242. The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any other person on his behalf, to convey electors to or from the poll, or to or from the neighborhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the traveling and other expenses of any elector, in going to or returning from any election, are unlawful acts.

Penalty.

Whosoever so offends shall be liable to a fine of \$100.00, and imprisonment for three months in default of payment.

Hiring of ve-
hicles.

243. Whosoever lets or takes to hire any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any candidate or for any agent of a candidate, for the purpose of conveying electors to or from the polls, shall, for every such offence, be liable to a penalty of \$100.00, and imprisonment for three months in default of payment.

Penalty.

Loss of right
to vote.

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

Voting when
not qualified.

245. Every person who votes, or induces and causes any other person to vote at any election, knowing that he or such person is not entitled to vote thereat, is guilty of a corrupt practice and liable to a fine of \$100.00, and an imprisonment of one month in default of payment, with, in addition, an imprisonment not exceeding one month with or without hard labor.

Penalty.

Votes struck
off.

246. At the trial of any election petition, one vote for each person proved to have voted, after having been guilty of any corrupt practice, at the instigation of the candidate or of any other person acting in the name or in the interest of such candidate, shall be struck from the number of votes given in favor of such candidate.

Penalty on
person pub-
lishing false
rumor as to
resignation of
candidate.

247. Any person who, before or during any election, knowingly publishes any false rumor or false statement of the withdrawal of a candidate at such election, for the purpose of promoting and procuring the election of another candidate, is guilty of a corrupt practice within the meaning of this act.

Election not
to be avoided
in certain
cases.

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

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

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

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

250. Such candidate shall, during the three years next after the date of such decision, be incapable of being elected to, or of sitting in the council, or of voting at any election of a member thereof. Incapacity for three years.

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

252. No person has any right to vote nor shall he vote more than once for the election of mayor or any alderman, at any election held in virtue of this charter. One vote only.

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

254. If, at any time, after any person has become disqualified under any of the provisions of articles 250 and 253, the witnesses or any of them, on whose testimony such person has so become disqualified, are convicted of perjury in respect of such testimony, such person may obtain, from the court before which such conviction took place, an order determining that such disqualification shall cease and end. Cessation of incapacity.

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

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

Summons to a person appearing to have been guilty. **255.** Whenever it appears to the court or judge, trying an election petition, that any person has contravened any of the provisions of this charter, such court or judge shall order that such person be summoned to appear before such court or judge, at the place, day and hour fixed in the summons for hearing the charge.

How effected. **256.** The summons is effected by a notice signed by the judge containing a summary statement of the offence, with an indication of the circumstances of time, place and person concerned and served upon the accused by a bailiff. The delay upon the summons is the same as in an action before the superior court.

Default to appear. **257.** If, at the time fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or undergo such imprisonment in default of payment to which he may be liable for such contravention, in conformity with this charter.

Appearance. **258.** If, on the contrary, the person so summoned does appear, the court, after hearing such person and such evidence as may be adduced, shall give judgment according to law.

Proceedings summary. **259.** The proceedings upon the hearing of the complaint are summary, and made within the delays to plead and hear the witnesses as fixed by the court or judge.

To whom penalty belongs. **260.** All fines recovered under articles 255, 256, 257 and 258 belong to the city.

When no penalties are to be imposed. **261.** No fine shall be imposed under article 257 or 258 :
 1. If it appears to the judge or court that the offender has already been prosecuted for the same offence : or
 2. If the evidence or admission of the offender is the only proof of the offence.

§ 15.—*Offences and Penalties*

General penalty. **262.** Every person found guilty of a corrupt practice shall, when no other penalty is enacted by this charter, be liable to a fine of \$200.00 and, in default of payment,

to an imprisonment of three months, and moreover, in the discretion of the court, to an imprisonment not exceeding two months, with or without hard labor.

263. Every person shall be liable to a penalty not exceeding \$500.00 and imprisonment for twelve months in default of payment : Penalty for :

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

(b) Who illegally or maliciously destroys, injures or obliterates them, or with deliberate purpose or maliciously causes them to be destroyed, injured or obliterated ; or Illegal destruction thereof ;

(c) Who makes, or causes to be made any erasure, addition or interpolation of names, in any such documents or papers ; or Illegal erasures &c., therein ;

(d) Who aids, abets or contributes to their being taken, destroyed, injured or obliterated, or to the making of erasures, additions, or interpolations of names therein. Aiding and abetting.

264. Every returning officer, deputy returning officer or other person intrusted with the issue of copies of lists of electors or who is the legal custodian or depositary of such lists, who knowingly makes any alteration, omission or insertion in such lists or certified copies, or falsifies them in any manner, incurs a penalty of \$200.00, and imprisonment for twelve months in default of payment, with or without hard labor. Returning officers, &c., altering lists, &c., liable to penalty.

§ 16.—*Prosecutions*

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

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

Affidavit.

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

Security may be required and proceedings stayed.

268. The defendant in any such prosecution may, before pleading, obtain that all proceedings therein be stayed, until the party prosecuting do furnish such security as may be deemed necessary, in the discretion of the court or judge, or do deposit with the prothonotary of the court such sum of money as shall be fixed by the court or judge to pay the costs to be incurred in such suit.

Parol evidence.

269. At the trial of such suit, proof may be made by parol evidence.

To whom the penalty shall belong.

270. The amount of any penalty, which a defendant shall be condemned to pay, shall belong to the prosecutor, without prejudice to article 260.

If person prosecuted has already prosecuted accomplice.

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

Obligation to answer.

272. Saving the case of article 160, no person shall be excused from answering any question put to him in any action, suit or other proceeding before any judge, or commissioner, or any court, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground that the answer to such question tends to expose him to any prosecution or condemnation under this or any other act.

Protection.

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

Parties authorized to testify.

273. In any action, suit or proceeding under this act, the parties themselves are authorized to testify and may be compelled so to do in the same manner as any witness, and

subject to the same exceptions, but no use can be made of such testimony outside of the case, in any other manner whatever.

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

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

275. Every action or prosecution brought in virtue of this section shall be instituted within six months next after the proclamation of the candidate for offences committed up to that time, and within twelve months for subsequent offences, from the date when they were committed and no later, unless the defendant has, by absconding, withdrawn himself from the jurisdiction of the court. Limitation of suits.

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

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

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

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

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

SECTION IX

CONTESTED ELECTIONS

Form of proceeding on contestation.

279. Any person, qualified to vote at the election of mayor or alderman, may present to any one of the judges of the superior court, sitting in term or in vacation, a petition, (*requête libellée*), complaining of the election and return of any person as mayor or alderman, at whose election he had a right to vote, and praying either for the annulling of such election and that a new election be ordered, or for the annulling of the election and for a judgment declaring some other person to be duly elected in the place and stead of the person returned.

Grounds of petition.

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

1. That the 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, with or without his authority, knowledge or sanction.

Contents of petition

To be supported by affidavit.

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

Delay to receive petition.

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

Security for costs.

281. Upon the return day of such writ or within three days thereafter, the contestant shall give security for costs, after notice to the defendant, in the form in which such security is ordinarily given before the superior court. But any sureties offered shall justify on oath as to their sufficiency to the extent of \$500.00.

Justification.

Sureties may be examined before judge.

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

Case to be proceeded with summarily.

282. Upon security being given, the case shall be proceeded with, and disposed of in a summary manner, and, as far as practicable, as well with regard to the merits, as to all matters incidental thereto, shall be subject to the ordinary

rules of procedure prescribed by section two of chapter forty of the Code of Civil Procedure.

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

Power of court, if ballots, &c., to be examined.

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

Recriminatory allegations and evidence in certain cases.

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

No other manner of contestation.

283. The judgment rendered on a petition under this act shall not be subject to appeal or revision before the superior court, sitting in review.

No appeal from judgment on petition.

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

Service of copy of judgment upon city.

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

Proceedings thereafter.

SECTION X

MEETINGS OF COUNCIL

285. The council shall meet regularly once a month, to wit: on the second Monday of each month.

Monthly meetings.

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

Notice thereof.

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

Meetings public.

286. The mayor may call a special meeting of the council when and as often as he may deem proper; such meeting may be convened upon verbal or written intimation from

Special meetings.

the mayor to the city-clerk, who shall thereupon issue a notice of meeting summarily specifying the business to be transacted at such meeting, and shall cause a copy of such notice to be served or sent by registered mail to every member, at his usual place of abode or business, at least two days prior to such meeting, and the mailing of a registered notice two clear days before such meeting shall be deemed equivalent to service of such notice.

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

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

Business to
be conducted
at special
meetings.

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

Adjourned
meetings.

289. If, at any special or monthly meeting, the business cannot be fully disposed of, it shall be lawful for the council to adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business; but, no new business shall be brought before or be considered at any such adjourned meeting.

Who pre-
sides.

290. The mayor shall preside at all meetings of the council, and shall have a casting vote in case of an equality of votes, but shall not otherwise vote; should the mayor and acting mayor be absent from any meeting, the council shall choose another of its members to preside.

Vote of act-
ing mayor,
&c.

The acting mayor or any member presiding at a meeting of the council shall have the right to vote, but shall not have a casting vote in addition thereto.

Quorum.

291. One-third of the members of the council, exclusive of the mayor, shall constitute a quorum for the transaction of business, except as otherwise specially provided by this charter.

Majority to
decide ques-
tions.
Exception.

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

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

294. 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, for every offence, incur a fine not exceeding twenty dollars recoverable before the recorder's court. Maintenance of order and decorum.

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

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

SECTION XI

OFFICERS OF THE COUNCIL

297. The city council shall appoint such officers as it may deem necessary to carry into execution the powers vested in it by this charter, and shall grant them such salary or other compensation as it may think fit, and may prescribe and regulate by by-law the duties of such officers respectively, and, upon a vote of the absolute majority of the whole council, remove any chief of a department and appoint another in his place, provided that the comptroller or auditor cannot be dismissed from office, except upon a vote of two-thirds of the said council. Appointment of officers. Salary and duties. Removal of officers. Proviso.

298. The council shall exact such security for the due execution of the duties devolving upon the city-treasurer and all other officers of the city as it may deem necessary. Security required in certain cases.

SECTION XII

BY-LAWS

299. It shall be lawful for the city council to enact, repeal or amend, and enforce by-laws for the peace, order, good government, and general welfare of the city of Mont- General power to enact by-laws.

real, and for all matters and things whatsoever that concern and affect, or that may hereafter concern and affect the city of Montreal as a city and body politic and corporate, provided always that such by-laws be not repugnant to the laws of this Province or of Canada, nor contrary to any special provisions of this charter.

Extent of jurisdiction of council.

And for greater certainty, but not so as to restrict the scope of the foregoing provision or of any power otherwise conferred by this charter, nor to exceed the provisos herein above-mentioned, it is hereby declared that the authority and jurisdiction of the said city council extends, and shall hereafter extend to all matters coming within and affecting or affected by the classes of subjects next hereinafter mentioned, that is to say :

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

Power to make by-laws respecting :

300. 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 **authority :**

Use of streets, &c.

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

Filth in streets :

2. To regulate and prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in or upon any street, alley, yards, public grounds or places or municipal streams or waters.

3. To require the owner or occupant of any premises to keep the sidewalks along or in front of the same free from obstructions, and to provide for the removal of the same at the expense of such owner or occupant ;

Obstructions
on sidewalks,
&c. ;

4. To regulate the making and maintaining of openings and excavations in streets, alleys and public grounds and public places for the laying of gas and water mains and pipes, electric conductors, subways and conduits, and for other purposes, and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures and conduits of every kind underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate, and, if it deem necessary, to prohibit the construction and maintaining of coal-holes, man-holes, hatchways, and other openings in sidewalks, streets and alleys and coverings and guards therefor ; to compel all persons or companies who have, or may hereafter have, the right to make any excavations in the streets of the city to deposit in the hands of the city-treasurer an amount sufficient to guarantee that such streets shall be put back to their former state, or to permit the city to make such excavations at the expense of such persons or companies, or to prevent such excavations and fill up the same whenever they are made contrary to the by-laws ; to prevent any person or company from tearing up any pavement, sidewalk or crosswalk, drain or sewer, or from making any hole, ditch or drain in any street, pavement or sidewalk, without previously sending a written notice to the city-surveyor with a sketch showing the exact location and dimensions of the proposed opening, and obtaining the permission of said city-surveyor if not previously authorized, and, in any case, without obtaining his approval of the place where, and the manner in which, the proposed opening is to be made ; to prohibit the deposit, upon any permanently paved street, of any building materials, tar, lime, stone, brick or other articles whatever of a nature to deteriorate the paving, or to regulate the permission to be granted to make use of such streets for the aforesaid purposes, and to exact a sufficient deposit to replace the paving in good order ;

Excavations
in streets,
&c. ;

5. To require throughout the city or in such district or districts as the city council may designate, the owner or occupant of any premises, or the person having deposited the same, to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night-soil, and other vile, unhealthy or offensive matter ; to regulate and provide for the collection, removal and disposal of the same throughout the city or in such districts as the city council may designate, and to authorize and direct such collection, removal and disposal, either at the expense of the city or of such owner or occupant, or the person having deposited the same ;

Removal of
ashes, &c. ;

Use of pavements, &c. ;

6. To regulate the use of pavements, sidewalks, crosswalks, curbs and gutters ;

Signs in streets, &c. ;

7. To regulate or prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric poles, horse troughs, racks and other obstructions, and to regulate the posting and distributing of hand-bills and advertisements ;

Obstructions in streets, &c. ;

to remove and abate any nuisance, obstruction and encroachment upon the sidewalks, streets, alleys and public grounds, and prevent the encumbering of the same with vehicles, boxes, lumber or any other things ; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city ; and the city council shall prohibit the piling of snow or other incumbrances upon any street or alley or public place by persons owning or operating any street railway along or across the same ;

Poles, &c., on streets, &c. ;

8. To regulate or prohibit the placing of poles and the suspending of wires along or across all streets, alleys and public places, and to require any and all wires within prescribed limits, or throughout the city, to be placed as it may designate, beneath the surface of the streets or elsewhere, and to require any poles already erected or wires already suspended to be removed, and the wires likewise placed in conduits beneath the surface of the street or elsewhere, and to compel any or all wires, pipes and other constructions and conduits to be placed in a common area beneath the surface or elsewhere, upon such terms as it may designate, and to regulate or prohibit the locating, constructing and maintaining of bridges and street railway tracks in, under, or over any street, alley or public place ;

Exhibition of banners, &c. ;

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

Flying of flags, &c. ;

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

Street sales, &c. ;

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

Speed, &c., of horses, &c. ;

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

Width of tires on wheels, &c. ;

13. To regulate and prescribe the width of tires on the wheels of vehicles used in the city, and the maximum weight

of a load to be drawn over any street in the city, and to direct upon what streets heavily-loaded vehicles may be drawn, and from what streets, alleys and public places the same may be excluded, and to license vehicles of every description;

14. To name and change the names of streets, alleys and other public places ; Names of streets, &c. ;

15. To regulate or prohibit 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 ; to cause the removal of privies and cess-pools, and to compel sewer connection in such portions, and to make the same, and to assess the cost thereof on the property so connected ; Use of bridges, &c. ;

16. To regulate the numbering of houses, buildings and lots, and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto ; Numbering of houses, &c. ;

17. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys and other public places by railway trains, cars or engines ; Railroad crossings, &c. ;

18. To regulate or prohibit the ringing of bells and whistling of locomotives, and steamboats and the discharge of steam, cinders, sparks and smoke therefrom ; Ringling of bells, &c. ;

19. To require railroad companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant water cannot stand on their grounds, and so that the natural drainage of adjacent property and streets shall not be impeded in the limits of the city ; Ditches to be kept by railway companies, &c. ;

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

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

council, or be unable for want of means, to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the council to have the same done, and to provide that the amount expended thereon shall be a special charge upon such lot, and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon ;

Issue of
licenses, &c. : 22. To fix the amount, terms and manner of issuing licenses, not inconsistent with the law and subject to the provisions of this charter, provided that no license shall be issued for a longer time than one year ;

Billiards, &c. : 23. To license, regulate, or prohibit billiards, pool, pigeon-hole tables, ten-pin alleys, bowling alleys, and shooting galleries ;

Auction
sales, &c. : 24. To license and regulate auction sales, itinerant merchants and transient vendors of merchandise, runners, agents and solicitors for stages, cars, vessels and houses of public entertainment ;

Exhibitions
of showmen,
&c. : 25. To license, regulate or prohibit the exhibitions of showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concert-halls, dance-halls, theatrical performances, skating-rinks and all places of amusement and museums ;

Riots, &c. : 26. To prohibit, prevent and suppress riots, routs, affrays, disturbances, disorderly assemblies, dog-fights, prize-fights, boxing or sparring matches, cock-fights and all brutal or depraving exhibitions or sports ;

Pawn-
brokers : 27. To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof ;

Intelligence
offices, &c. : 28. To license and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for or furnishing employees to others, and to require such persons to keep such record as it may direct, and to make reports thereof ;

Hackmen,
&c. : 29. To license and regulate hackmen, draymen, expressmen, porters, and all other persons or corporations, including street railway companies, engaged in carrying passengers, baggage or freight in the city, and to regulate their charges therefor, and to prescribe standing places or stations within the streets or near railway stations, where the same may remain while waiting for business, and to prohibit the same from standing or waiting at any other places than the places so prescribed ;

Peddlers, &c. : 30. To license and regulate all peddlers, book-agents, canvassers, street hawkers, chimney-sweeps, vendors and public criers doing business in the city ;

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

32. To license and regulate the keeping of dogs ; to prevent Dogs, &c. ; dogs or other animals from running at large, and to authorize the destruction thereof in a summary manner ;

33. To regulate or prohibit the storage and use of gun- Storage, &c. powder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, of gun powder, &c. ; turpentine, gun-cotton, nitro-glycerine and any product thereof, and other combustible or explosive materials within the city, or within one mile therefrom ;

34. To regulate or prohibit the use of fire-crackers, tor- Fire-crack- pedoes, Roman candles, sky-rockets and other fire-works ; ers, &c. ;

35. To regulate bathing and swimming in the waters Swimming, comprised within the limits of the city, and regulate begging ; &c. ;

36. To suppress bawdy and disorderly houses and houses Bawdy of ill-fame and assignation within the limits of the city. houses, &c. ;

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

38. To establish, license or regulate markets and market- Markets, houses ; to change, enlarge or diminish the site of any &c. ; market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence or hereafter to be in existence in the city, and appropriate the site thereof or any part of such site, for any other purpose whatever, in the discretion of the council ;

39. To provide for the inspection of, and regulate the Sale of bread, making and sale of bread, and prescribe the weight and &c. ; quality of the bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto ;

40. To provide for and regulate the inspection of meats, Inspection of poultry, fish, game, butter, cheese, lard, eggs, vegetables, meats, &c. ; flour, meal, milk, dairy products, fruit, and other food products ; to provide for the seizure, confiscation and summary destruction of any such products as are unsound, spoiled or unwholesome ; to prohibit the bringing into the city and the having or keeping such unsound, spoiled or unwholesome products, and to define the duties, powers and attributions of the inspectors appointed for that purpose ;

41. To inspect and license dairies and to license milkmen ; Dairies, &c. ;

42. To provide for and regulate the place and manner of Hay and weighing hay and straw and selling the same, and measuring straw, &c. ; and selling firewood, coal and lime.

43. To enforce the use by vendors of proper weights and Weights and measures, duly tested and sealed, and to authorize the seizure and confiscation of all goods or merchandise offered for sale &c. ;

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

Chimneys,
&c. ;

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

Wooden
buildings,
&c. ;

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

Fire-escapes,
&c. ;

46. To require the owners or lessees of buildings or structures to place thereon such fire-escapes and appliances for protection against or for extinguishment of fires as it may direct ;

Removal of
chimneys,
&c. ;

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

48. To regulate the operation of blasts and blastings, and the construction, location and operation of derricks, windlasses, freight and passenger elevators and other structures, apparatus and operations hazardous to life and property ; Blasting, &c. ;

49. To declare the emission of sparks, cinders, soot or smoke from chimneys, stacks and other sources within the limits of the city a nuisance, and to prohibit such emission in any portion of the city ; Sparks, &c. ;

50. To define what shall constitute a nuisance and to abate the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist ; Nuisances, &c. ;

51. To compel the reporting and recording of all births and deaths within the city ; Births and deaths, &c. ;

52. To regulate and prevent the burial of the dead within the city ; to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed ; to regulate and control the location of cemeteries and crematories, and to cause the removal of bodies interred contrary to law, and to vacate or discontinue any cemetery and cause the removal of any bodies interred therein ; Burials, &c. ;

53. To regulate or to prohibit the location, construction and management of stock-yards, packing-houses, rendering establishments, tallow-chandleries, storing-places for hides, bone or glue houses, gas-works, soap-factories, dye-houses, tanneries, sausage manufactories and other noxious businesses within the limits of the city, or within a distance of one mile outside of the limits thereof ; Stock-yards, &c. ;

54. To regulate the location, construction and use of breweries, stables, livery-stables, blacksmith shops and foundries within the limits of the city ; Breweries, &c. ;

55. To prohibit offensive or unwholesome businesses or establishments within the city or within one mile of the limits thereof ; to prohibit the erection or occupation of any offensive buildings in any place or site where they will damage the neighboring property, and determine the localities where certain manufactories or occupations may be carried on ; Offensive establishments, &c. ;

56. To compel the owner of any soap and tallow chandlery, sausage manufactory, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same ; Soap works, &c. ;

57. To regulate the location of lumber-yards and places for piling timber, fire-wood and other combustible material and the manner of piling the same ; and to require any person maintaining any lumber, shingle or lath piles or mill-wood yards in the city to remove the same when they become dangerous to buildings, structures or other property ; Lumber-yards, &c. ;

58. To regulate or prevent the playing of games or other amusements on the streets, alleys, sidewalks or public Games, &c. ;

places; and to regulate the use of bicycles and other vehicles within the limits of the city ;

Ring-
ing
bells, &c. ;

59. To regulate or prevent the ringing of bells and chimes, the blowing of whistles and the making of other noises ; to regulate or prohibit the use of noisy carts or vehicles in the city streets and highways ;

City hos-
pitals, &c. ;

60. To establish and regulate city hospitals and pest-houses, and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease ; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws, and to enforce the same within the city ; to regulate, control or prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with contagious diseases, and to make such disposal of such persons or property as to preserve the health of the city, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the city ;

Public cis-
terns, &c. ;

61. To establish and regulate public cisterns, hydrants, reservoirs, fountains and watering troughs ;

Use of gas,
&c. ;

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

Lodging
houses, &c. ;

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

Stables, &c. ;

64. To require the places where animals are kept to be maintained in healthful condition ;

Occupation
of minors in
streets, &c. ;

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

Clearing of
brush off lots,
&c. ;

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

Planting or-
namental
trees, &c. ;

67. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the city ; to compel any proprietor to plant trees in front of his property, under the direction of the city-surveyor ; to authorize the city-surveyor to cause such plantation to be made, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city-surveyor's order ; to punish injuries to, or interference with, the ornamental trees or shrubbery in the streets, parks and public places of the city ;

Revocation of
licenses ;

68. To provide for the revocation of licenses ;

69. To regulate and require licenses to be obtained for the Business
pursuit and prosecution of all occupations or kinds of busi- licenses, &c. ;
ness, not in this section expressly referred to and provided
for ;

70. To establish and maintain work-houses or refuges in Work-
the city or elsewhere ; to make rules and regulations for the houses, &c. :
government and management of such work-houses or
refuges, and to prescribe the duties of the keepers and offi-
cers of the same ;

71. To provide for the lighting of the city ; Lighting ;

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

73. To establish, maintain and regulate a municipal em- Employment
ployment bureau ; bureau ;

74. To regulate and control, in a manner not contrary to Public fran-
any specific provisions on the subject contained in this chises and
charter, the exercise, by any person or corporation, of any exercise
public franchise or privilege in any of the streets or public thereof in
places in the city, whether such franchise or privilege has streets ;
been granted by the city or by the Legislature ;

75. To make rules for the proper observance of Sunday, Sunday ob-
provided that the powers granted to the Zoological Garden of servance,
Montreal under the act 57 Victoria, chapter 77, be not re- &c. ;
garded as affected by any such by-law ;

76. To prohibit the selling on Sunday by shop-keepers, Selling goods
pedlars, hotel-keepers, tavern-keepers or other persons, of on Sunday,
goods, wares, merchandise or intoxicating liquors, or the &c. ;
purchasing or drinking thereof in any hotel, tavern or place
of public entertainment ; and also to enforce the closing of
saloons and taverns, from midnight on Saturday until
Monday morning ; to regulate the sale of fruits, cigars, con-
fectionery and temperance drinks on Sunday, in the city
and on St. Helens' Island Park ;

77. To prevent the disturbance of any congregation Disturbance
assembled for religious worship, and to prohibit the distri- of religious
bution of printed hand-bills or circulars at church doors on worship, &c.
Sundays ;

78. To license and regulate the posting of bills and plac- Posting of
ards ; to prohibit the posting or exhibiting of obscene or bills, &c. ;
offensive placards, paintings, drawings, statues or inscriptions,
in any street or public place, or in any store or any other
place visible from such street or public place ;

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

Vaccination,
&c. ;

80. To enforce a complete and efficient system of vaccination ; to establish offices for that purpose ; to appoint officers, to authorize them to make domiciliary visits, to destroy linen, clothing and any other articles infected with small-pox or any other contagious disease ; to isolate patients labouring under any such disease, whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large ; to cause any person who shall have died of any such disease, to be buried within a short delay, and generally to take such measures, as the council may deem necessary, to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease, any law now in force to the contrary notwithstanding ;

Returns by
cemetery
companies of
burials, &c. ;

81. To compel the superintendents of any cemetery in the city or in the adjoining municipalities to prepare and deliver to the corporation regular returns of the total number of persons buried in such cemetery ; to regulate the manner and form in which such return shall be made ; to exact that, in all cases of death occurring in the city, a certificate be deposited in the health office, and that such certificate be made in the form and manner determined by the board of health and the council, and also to adopt means to obtain accurate and sure returns respecting mortality and the causes thereof ; to authorize the medical health officer to make such inquiries as he may deem necessary when no certificate of death has been produced or when the certificate does not disclose the cause of the death, so as to establish as precisely as possible the cause of death and other particulars which public health may require ; to prevent any corpse being taken out of the city without a special permit from the medical health officer, without prejudice to existing laws respecting coroners' inquests and the examination of any corpse ; to prevent burials in the city, except those of priests and nuns which may be effected in the Roman Catholic churches and chapels of the city ;

Steam-en-
gines, &c. ;

82. To compel persons owning or using steam-engines, steam boilers, factories, chemical works, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment, and to impose a fine of \$100.00 for the violation of any by-law made under the provisions of this paragraph, and to enact that, in default of immediate payment of the said fine and costs by the offender, he shall be condemned to an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of \$50.00 per day, for each and every day the offender shall continue in the violation of such by-law ;

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

84. To regulate the subdivision into streets of any land situated within the limits of the city, and to prohibit any such subdivision whenever the same does not coincide with the general plan of the city, and to compel the owners of private streets and lanes to indicate that the same do not belong to the city. Subdivision into streets of lots in city &c.

85. To regulate, license or prohibit the teasing of wool, hair, and other like articles, and the collection of rags; Teasing of wool, &c. :

86. To regulate the sale of horses, and to impose a tax on horses sold or exposed for sale by horse-dealers in the city, and to fix the rates to be paid therefor; Sale of horse &c. :

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

88. To provide that provisions and provender, usually bought and sold in public markets, that may be brought to the city for sale, or any of them, shall be conveyed to the public markets and there exposed for sale; and that no such provisions or provender shall be offered, or exposed for sale, or be sold or purchased elsewhere in the city, than on the public markets; but the council may provide for empowering any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets, and for granting him a license for that purpose, upon payment of such sum, and the performance of such conditions, as shall be fixed by by-law; Sale of goods on markets, &c. :

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

90. To establish, regulate and manage public abattoirs, either within or without the city limits, that is to say: at a distance of three miles from such limits; provided, in the latter case, that the city has already obtained or obtains, previously, the consent of the council of the municipality in which it wishes to establish such abattoirs; and to prohibit the establishment of private abattoirs in the city; Public abattoirs :

91. To regulate the width of streets, and to establish or alter the level of any roadway or sidewalk in any street; to regulate all things concerning the streets, parks, (including Mount Royal Park, St. Helen's Island and Logan's Park) squares, bridges or drains, in the city; to protect the same from any encroachment or injury; and to close and discontinue any street; Width of streets, &c. :

Prevention of
accidents in
winter, &c.

92. To make such provisions as the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses or other buildings ; and for that purpose, to determine the manner in which such sidewalks and roofs shall be kept.

Right of city
to call in
proprietor,
&c., in war-
ranty.

Any person obliged by law to keep sidewalks and roofs shall be responsible towards the city for the damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty by the city in all cases instituted against it for damages ;

Natural wa-
ter-courses,
&c. :

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

Sewerage,
&c. :

94. To regulate the sewerage of the city ; with the right to use any natural or verbalized water-course to empty the filtered water from their sewage farms, saving recourse for damages or indemnity if any there be ; to assess proprietors of immoveable property for the purpose of defraying the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors, and the cost of such repairs as are rendered necessary in the permanent paving on account of the construction of private drains ; and to prescribe the mode in which such assessment shall be made, either according to the frontage of said property or otherwise, and the manner of levying such assessment ;

Automatic
safety-valves
at sewerage
connections,
&c. :

95. To permit the city to provide, where it may be necessary, suitable automatic safety-valves at connections in sewerage for the drainage of any lands, the expense thereof to be borne one-half by the city, and the other half by the owner of the property, and said cost shall be recovered as per statement prepared by the city-surveyor, and to provide for the inspection of the same by the city ; but for all other buildings, the expense shall be borne entirely by the city ;

Private
drains, &c. ;

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

Main sewers
and tunnels,
&c. :

97. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality its share of contribution towards the cost of construction and maintenance of such main sewers or tunnels, according to the area to be drained and in proportion to the benefit to be derived by such municipality. The amount of such contribution to be determined by appraisers to be appointed as follows : one by the council, one by such municipality, and the third by a judge of the superior court ; to compel such

municipalities to pay the damages resulting from their use of the city drains for their drainage ; to construct drains in private streets and lanes when required in the interest of public health, without being bound to pay any damage or compensation for the use of such streets or private lanes for such work ;

98. To permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city ; to regulate the number of passengers to be carried in each car or vehicle used by such street railway ; to regulate the condition in which the cars are to be kept, to regulate the use of locomotive engines, and of steam- or any other motive-power on any railway in the city ; to prescribe and regulate the speed of the cars ; and to impose penalties not to exceed \$400.00, upon the company managing any such railway, or any of their servants, for each and every violation of any such by-law ;

Railway
tracks, &c.,
in city, &c.

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

Inspector of
buildings, &c.;

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

Steam en-
gines, &c. ;

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

Organization,
&c., of police
force, &c.,

102. To provide for the punishment, by fine, or imprisonment, of any person who accepts or, directly or indirectly, offers any sum of money or any gratuity whatever for the purpose of promising a place or employment in the corporation, and by the loss of his situation if the guilty party is an employee of the corporation ;

Punishment
of persons of-
fering money
for a place
under city,

Carters, &c. 103. To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandise, whether such owners reside in or outside of the city : for the good government and discipline of the drivers of such vehicles for hire ; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by a tariff ;

Licensing non-residents who trade in city, &c. ; 104. To prevent any person, residing beyond the city limits, from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or

Proviso. business ; provided that there be no unjust discrimination against such person ;

Masters and servants, &c. ; 105. To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers ;

Ferry-men, &c. ; 106. To regulate the persons plying as ferrymen to and from the city, and to establish a tariff of rates to be charged by such ferrymen ;

Superannuation fund, for officers, &c., of city, &c. ; 107. To create and establish, out of the general fund of the city, a superannuation fund for the officers and employees of the city, upon such conditions and stipulations as the council may determine, and to compel the said officers and employees to contribute to the said fund out of their salaries in such proportions as the council shall determine ;

Public baths, &c. ; 108. To establish and maintain public baths, wash-houses comfort houses and lavatories ;

Public libraries, &c. ; 109. To contribute to the establishment and maintenance of public libraries, reading rooms, museums for historical, literary, artistic or scientific purposes ;

Uninhabitable buildings, &c. ; 110. To provide for the closing and demolition of buildings within the city which are no longer fit for human habitation or occupation, and to recover the cost from the owners thereof ;

Census, &c. ; 111. To take, once in every three years, a census of the inhabitants of the city, for the purpose of ascertaining their number, and of obtaining statistics regarding their social, economical and sanitary condition ;

Board of health : 112. To establish a board of health, with such privileges, powers and authority, as the council may deem fit ; which board may be composed of aldermen or of qualified citizens outside of the council ; to take means to promote the health of the city ; to provide precautionary measures against the introduction of diseases ; to make regulations for preventing contagion or infection therefrom, and for diminishing the danger thereof ; and to define and regulate the duties, powers and attributions of the health officers ;

113. To organize, maintain and regulate a fire department and fire brigade, and to equip and maintain the same with all necessary appliances by purchase or lease ; to appoint all officers and men necessary for the extinction and suppression of fires, the protection of property from fire, and the prevention of accidents by fire ; to provide for the punishment of any person or persons who may interfere with any member of the fire brigade in the performance of his duty, or who may tamper with, impede or obstruct any of the signal boxes, wires, or apparatus of the fire alarm department ;

Fire Department, &c. ;

114. To authorize the demolition of buildings and fences, when deemed necessary to arrest the progress of fire ; to provide for the removal and keeping at a distance from fires of any person or persons whatever ; to empower the mayor, the chief, or other officials to exercise the powers mentioned in this paragraph ; to authorize the mayor, under such provisions as the council may enact, to send fire-engines, men, and apparatus to the relief of any municipality outside of the city, that may be endangered by fire ; provided however that such municipality shall be held responsible for all expenditure or damage which may be incurred in connection therewith ; to provide for the erection of fire stations or engine houses, and the purchase or expropriation of sites therefor, subject to the provisions of this charter ; to provide for the punishment, by fine or imprisonment, before the recorder's court, of any person who shall refuse to obey the lawful orders of the chief or acting chief of the fire department, at any fire in the city.

Demolition of buildings at fires, &c.

301. No by-law, enacted in virtue of this section, shall be valid unless the same be read at a meeting of the council, nor unless a notice of motion for the adoption of such by-law shall have been deposited at least thirty days beforehand, nor unless the said by-law shall receive the affirmative vote of a majority of the members of the whole council ; nor shall any by-law be valid or binding and come into force until the same, after approval by the council as aforesaid, shall have been signed by the mayor and the city-clerk, and sealed with the corporate seal of the city, and that public notice of its passing be given.

Prerequisites as to validity of by-laws.

302. The city-clerk shall have the custody of the by-laws of the city, and shall carefully preserve them in a register kept for that purpose, and he shall annually issue a report containing a synopsis of all the by-laws enacted, repealed or amended during the year and also of all resolutions of the council having force of law.

Custody of by-laws, &c.

303. A copy of any by-law duly, enacted according to the terms of this section, shall be received as evidence in any court of justice in the Province, provided that the

Copies of by laws, &c., to be evidence.

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

Contestation
of by-laws.

304. Any rate-payer may, in his own name, by petition presented to the superior court, of which at least ten days' notice must be given to the city, between the service of the same and its presentation to the court, demand the annulment of any by-law on the ground of its illegality.

Prescription
of right to
contest.

The right to demand the annulment of any by-law shall be prescribed by three months from the coming into force of the said by-law.

Copy of by-
laws to be
sent to Lieu-
tenant-Gov-
ernor in coun-
cil who may
disallow the
same.

305. A copy of every by-law made under this section shall be transmitted without delay to the Lieutenant-Governor in council, who may, within three months from the receipt of such copy, disallow the by-law, and notice of such disallowance shall be published in the *Quebec Official Gazette*.

By-laws to
have effect of
public laws,
&c., in city.

306. The by-laws of the council shall have full force and effect as public laws in the city, and as such shall be judicially observed and enforced by all judges and courts, whether specially pleaded or not.

Penalties
which may be
imposed by
by-laws.

307. The council may impose, by any of the by-laws which may be enacted in accordance with the powers granted to it by this charter, for every infraction of the by-laws above-mentioned, either a fine, with or without costs or imprisonment; and if a fine, with or without costs, may provide for imprisonment in default of immediate payment of such fine and costs; but, except where it is otherwise provided in this charter, such fine or imprisonment shall be in the discretion of the court; and, save where otherwise expressly provided in this charter, such fine shall not exceed \$40.00, and such imprisonment shall not be for a longer period than two months; and where such imprisonment is ordered in default of payment of the fine, it shall cease on such payment.

If infractions
continuous.

Where the infraction of any by-law is continuous, such infraction during each day shall constitute a separate offence.

What costs to
include.

The costs above mentioned shall, in all cases, include costs incident to the execution of any judgment.

Formal objec-
tions.

308. No objection founded upon form, or upon the omission of any formality, even imperative, can be allowed to prevail in any action, suit or proceeding respecting municipal matters unless substantial injustice would be done by reject-

ing such objection or unless the formality omitted be such that its omission, according to the provision of this charter, would render null the proceedings or other municipal acts needing such formality.

309. No person who has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, shall thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service. Persons acquiescing, not to take advantage of insufficiency thereof.

310. The council may, at any general election for mayor and aldermen held under the provisions of this charter, submit to the electors whose names are duly entered on the electors' lists in force, or to the real estate owners only on such lists, any matter or question affecting the interests of the city, upon which the council may deem it desirable to ascertain the opinion of the electors generally or of the real estate owners, as the case may be; but the council shall not pass any by-law or resolution in virtue of any opinion of the electors or real estate owners so ascertained, that shall not be subject in all respects to the provisions of this charter. Council may submit to electors or to certain electors, at time of general elections, any matter or question affecting the city. Proviso.

SECTION XIII

PROCEDURE RESPECTING SUBMISSION OF BY-LAWS TO REAL ESTATE OWNERS

311. Whenever, according to the provisions of this charter, a by-law requires the approval of the real estate owners of the city, the following proceedings shall be taken for ascertaining such approval. Proceedings to be followed on submitting by-laws to real estate owners.

312. The council shall, in and by such by-law, fix the day for taking the votes of the real estate owners whose names are entered upon the electors' lists in force, and such day shall not be before the expiration of thirty days after the adoption of the by-law by the council. Certain day to be fixed in by-law for voting.

313. The city-clerk shall subdivide each ward of the city into as many polling districts as he may deem necessary, and each of such polling districts shall contain, as nearly as possible, the names of three hundred real estate owners, entitled to vote. Division of city into polling districts. Number of real estate owners in each district.

314. The city-clerk shall also make or cause to be made for each polling district an extract from the electors' lists then in force, showing all the names of real estate owners inscribed on said electors' lists and entitled to vote in each of Extract of electors' lists for each district.

the said polling districts, and shall certify the correctness of the same by his signature and the official seal of the city.

Certified extract to be electors' list for each polling district.

Such extract so certified by him as aforesaid shall constitute the electors' list for each such polling district for all purposes required in accordance with the provisions of this section.

Right to vote.

315. Each real estate owner shall have only one vote, and no one shall be entitled to vote whose name is not entered upon such extracts.

Ballot-papers to be printed.

316. The city-clerk shall also cause to be printed, at the expense of the city, a sufficient quantity of ballot-papers for the use of the voters, and such ballot-papers shall be printed according to the form indicated by form No 23 or such other as form the council may adopt.

Notice to be published.

317. The city-clerk shall also, at least one week before the day fixed for the polling, publish or cause to be published a notice over his signature which shall state :

Contents of notice.

(a) The nature of the by-law which is to be submitted for approval ;

(b) The day and hours of polling ;

(c) The places where the different polls are to be held, and the territorial limits of each polling district.

How published.

Such notice shall be published during the week preceding the day fixed for the polling in at least two daily newspapers published in the French language and in two newspapers published in the English language, and shall also be affixed in at least three public places within each of said polling districts.

Farther contents of notice.

Such notice shall also contain all instructions necessary for voters.

Appointment of deputy returning officer for each polling district &c.

318. Each deputy returning officer shall, at least two days before the date fixed for polling, appoint a deputy returning-officer for each of said polling districts, and shall furnish each of said deputies with a certified extract from the electors' list shewing the real estate owners entitled to vote within the limits of the polling district of which such deputy returning officer shall have charge in accordance with article 314, and such other instructions as may be necessary.

Appointment of persons to represent citizens in favor of by-law and those opposing it.

319. He may, by a commission signed by him, name one or two persons who may be present in each polling place on behalf of those citizens who are interested in and desirous of promoting the passing of the by-law, and a like number of persons on behalf of those interested in and desirous of opposing the passing of the by-law.

320. Before any person is so appointed, he shall make and subscribe before the deputy returning-officer a declaration, in the form No. 24, that he is interested in and desirous of promoting or opposing (as the case may be) the passing of the by-law.

Declaration required before appointment.

321. During the time appointed for polling, no person shall be entitled or permitted to remain in any polling place other than the officers, clerks and persons or real estate owners authorized to attend, as aforesaid, at such polling places.

Who may remain in poll during voting.

322. On the day fixed, as aforesaid, a poll shall be held and the votes of real estate owners entitled to vote shall be taken by ballot. Each poll shall be open from nine o'clock in the forenoon till five o'clock in the afternoon.

Poll to be held on day fixed.

323. The proceedings at each poll shall be the same, as nearly as may be, as at municipal elections held under this charter; and all the provisions of articles 106 to 179, inclusively, so far as the same are applicable and except when inconsistent with the provisions of this section, shall apply to the taking of votes at such poll and to all matters incidental thereto and to the returns to be made by the deputy returning officers.

Hours when to be open. Proceedings to be same as those for municipal elections.

324. Any real estate owner may be required by the deputy returning officer, or by any person authorized to act as agent under article 319, to take the following oath or affirmation before voting, and before being allowed to vote must answer, under oath or affirmation, in the affirmative, the questions numbered 1, 2 and 3, and in the negative, the questions numbered 4 and 5.

Oath that voter may be required to take.

You swear or affirm (*as the case may be*) :

“ 1. That you are of the full age of twenty-one years and a British subject ;

2. That you are, according to law, entitled to vote, on the by-law now submitted ;

3. That you are the person named, or purporting to be named in the extract from the electors' lists now shewn to you ;

4. That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, cab-hire, or any other services connected therewith, and that you have not, directly or indirectly, promised anything to any person, either to induce him to vote or to abstain from voting ;

5. That you have not already voted on this by-law in any other polling district.”

No enquiry shall be made of any voter except with respect to the facts specified in such oath or affirmation.

Notice to be given by city-clerk, after he has received ballot boxes that he will sum up votes at certain time, &c.

Certificate thereof and what to contain, &c.

Appointment by city-clerk of persons to attend at summing up.

Recount before judge in certain cases.

Application of certain articles to such recount, &c.

Communication of judgment on recount to council, &c.

325. The city-clerk, after he has received the ballot-boxes and statements from the deputy returning officers, shall, within three days thereafter, give public notice of the time and place when he will proceed to sum up, from such statements, the number of votes for and against the by-law; and the time so fixed shall be not later than one week from the date of polling, and he shall then and there declare the result in accordance with the statements so received by him from the deputy returning officers, and shall forthwith certify to the council, under his own hand and the seal of the city, whether the majority of those who have voted upon the by-law have approved or disapproved of the same, and the number of votes cast for and against said by-law.

326. The city-clerk shall, on or before the day fixed for the final summing up of the votes, appoint, in writing, signed by him, four persons to attend at the final summing up of the votes, two of whom shall be interested in and desirous of promoting the passing of the by-law, and two of whom shall be interested in and desirous of opposing the passing of the said by-law.

327. In case it may be made to appear, within four days after that on which the city-clerk has made the final summing up of votes, upon petition of a real estate owner, supported by the affidavit of any credible witness,—which petition must be duly signified upon the said city-clerk—to a judge of the superior court in the district of Montreal, that a recount may change the result of the voting as announced by the city-clerk; and, in case the petitioner deposits, within the same period of four days, with the prothonotary of the court, the sum of \$100 as security in respect of the recount for the costs of the attorney whom the city-clerk may appoint to appear in answer to the said petition; the said judge shall appoint a time, and place, within four days after the receipt of the said petition by him, to recount the votes and to make the final summing up thereof.

328. Articles 183 to 198, inclusively, shall apply, in so far as the same are practicable, to any recount had in respect of the voting provided for by this section and all proceedings connected with any petition for such recount, but the notice in writing mentioned in article 183 shall be served upon the city-clerk, and it shall be lawful for the judge, before whom such petition is presented, to give such interpretation to the said articles and to make such other rules and orders in respect to the said petition for recount, as to law and justice shall appertain.

329. The city-clerk shall communicate to the city council, without delay, a copy of the judgment pronounced by the court or judge upon any petition for a recount and the result of such recount.

330. In the event of an equal number of votes being cast for and against any by-law submitted to the real estate owners under the provisions of this section, the said by-law shall be deemed to have been defeated. Proviso in case of equality of votes.

331. No informality, omission or error in any proceeding had under this section shall invalidate such proceeding, unless in the opinion of the court such informality, omission or error, has been of such a nature as would affect the result of the vote taken. Informalities &c., not to invalidate proceedings. Proviso.

SECTION XIV

FINANCES

332. The civic fiscal year shall begin on the first day of January, and terminate on the last day of December of each year, but the annual taxes and assessments, including the school, tax and the water-rate, shall be deemed to be imposed and levied for the year beginning on the first of May of each year and terminating on the same date of the following year. Fiscal year. Tax year.

333. Every year before the first of May, the council may dispose of such capital amounts as the city may have at its disposal within the limits of its legal borrowing powers, and only for the purposes mentioned and set forth in article 344; provided always that no expenditure of such capital amounts, or any part thereof, shall be voted or made, until and unless the details, specifications, and amounts of each of the works or objects for which such special expenditure is contemplated, are submitted to the council and approved by two-thirds of its members. Disposal of capital sums for certain purposes. Proviso.

334. In the month of December of each year, the council shall set apart such sums as may be available out of the revenues of the city for the needs of the various departments of the city administration during the ensuing fiscal year. In so doing the city council shall maintain an equilibrium between revenues and expenditures, and shall provide for : Annual appropriations. What to provide for.

- (a) The cost of the collection of the civic revenue ;
- (b) The interest upon the civic debt and any sinking fund which may be established ;
- (c) The school tax ;
- (d) A reserve of five per cent. for such unforeseen expenses as judgments, epidemics, inundations and damages caused by irresistible force ;
- (e) Other established charges upon civic revenue ;
- (f) Repairs, maintenance, salaries and general administration.

Limitation of appropriations.

Proviso for cases of urgent necessity.

Special appropriation during 1899 for certain cases.

Certificate of comptroller required before authorization of expenditure.

Approval of council required to agreements.

City not liable unless certain formalities have been complied with.

335. Such appropriation shall never exceed the amount of the actual revenue of the preceding year, added to the unexpended balance of the said revenue.

In cases of urgent necessity, such as epidemics, inundations, damages caused by irresistible force and judgments of courts, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal; provided that, by such by-law, an additional assessment shall be imposed, payable during the course of the year in which such by-law is passed, sufficient to cover the amount so appropriated; which assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act. No amount appropriated can be varied or applied to any other purpose, except such change in the appropriation in question is approved by a vote of the whole council.

The city is authorized to appropriate and expend during 1899 a sum not exceeding \$100,000, being the special payment made to the city during 1898 by the Montreal Water and Power Company, say: \$60,000 to permit the city to carry on certain works and purchase certain necessary articles for the working of the water-works' department, and \$40,000 for ordinary expenses. The unexpended balance of revenue of 1898 shall be regarded for the purposes of article 333 as reduced by the aforesaid amount.

336. No resolution of the council or of any committee, authorizing the expenditure of any moneys shall be adopted, or have any effect, until a certificate of the comptroller is produced, establishing that there are funds available and at the disposal of the city for the service and purposes for which such expenditure is proposed, in accordance with the provisions of this charter.

337. No contract, or agreement whatever shall be binding upon the city, unless it has been approved by the council.

The city shall not be liable for the price or value of work done, materials supplied, goods or effects furnished, of any kind whatever, nor for any fees for professional services, salary, wages, or other remuneration, without the special authorization of the city council or of a committee having a lequate jurisdiction, nor unless, in every case, a certificate of the comptroller is produced establishing that there are funds available and appropriated for the particular object for which payment is sought; and no right of action shall exist against the city, unless the foregoing formalities are strictly observed, notwithstanding that the city may have benefited by any such contract, agreement, work done, materials supplied or other services rendered.

338. Every member of the council who authorizes either verbally, by writing, by his vote, or tacitly, any expenditure of money exceeding the amount previously voted and legally placed at the disposal of the council or any committee, shall be held personally liable therefor, and shall thereby become disqualified as a member of the council, and shall also be disqualified for re-election as alderman for a period of two years thereafter.

Penalty on member of council authorizing expenditure in excess of appropriations.

339. The city-treasurer shall prepare and publish every year, before the first of April in each year, a report showing :

Annual return by city-treasurer and what to contain.

(a) The balance of moneys on hand and in banks at the beginning of the year ; the receipts from each department, and the proceeds of every loan, whether temporary or permanent.

(b) The disbursements made by each department, as well as the repayment of all loans, whether temporary or permanent :

The city-treasurer shall be personally responsible for every sum of money which he may pay, knowing that such payment exceeds the amount voted by the council for the purpose.

Responsibility for certain payments.

340. In the event of the annexation of any adjacent territory during the course of the fiscal year, the annual revenue to be derived therefrom shall be estimated by the treasurer and the comptroller, and the amount thereof may be added, less ten per centum, to the amount available for expenditure under article 334.

Proviso, in case of annexation of territory during fiscal year.

341. When and after the proposed expenditure in virtue of articles 334 and 335 shall have been authorized by the council, no by-law or resolution which shall have for its object, purpose or result the diminution of the civic revenue shall be valid or operative during the year for which such expenditure has been authorized.

When by-law diminishing civic revenue to take effect after certain authorization

342. All fees, licenses, fines, revenues, taxes and assessments of any nature whatsoever, accruing or belonging to the city, shall be paid to, and received by the treasurer alone, or the officials designated by him for that purpose ; and no other officials shall be entitled, under any pretext whatever, to receive any such fees, taxes, revenues or assessments, unless especially authorized by the council so to do.

Treasurer alone to receive fees, &c.

SECTION XV

BORROWING POWER

343. In addition to the present consolidated debt of the city, amounting to \$23,744,401.00 which is hereby confirmed, the city may issue bonds, debentures or stock to an amount not exceeding \$3,255,599.00, for the purpose only of

Power of city to borrow certain sum for certain purposes.

Certain sum fixed as consolidated debt of city and not to be exceeded.

Borrowing power limited.

discharging and consolidating the obligations set forth in schedule A, hereunto annexed. And the amount of \$27,000,000.00 mentioned in said schedule is fixed definitely as the consolidated debt of the city, and shall not be exceeded (except as hereinafter provided) until the said debt shall represent not more than 15 per cent. on the taxable value of the real estate within the limits of the city. The borrowing power of the city shall then be limited to 15 per cent. of the said valuation, and said limit shall never be exceeded, and all temporary borrowing powers granted by the next following article shall then cease to exist.

Power to borrow certain sums for certain purposes.

344. The city shall have the power, during such time as the consolidated debt of the city exceeds fifteen per cent. of the taxable real estate of the city, as recited in article 343, to borrow each year,—for the purpose of carrying on necessary public works, such as the extension of the water-works and water services, the extension of the drainage system, the laying of permanent (not wooden) or cement sidewalks and pavements, the construction and extension of municipal buildings, such as markets, fire and police stations, city-hall and others, opening and widening of streets, street improvements, the acquisition of such lands and buildings as may be necessary for any of these purposes,—a sum of money not exceeding ten per cent. of the increase in taxable real estate, shown by the assessment roll in force over that of the year immediately preceeding; provided always that the total value of such taxable real estate exceeds \$140,000,000.00, and also that the sum total so borrowed does not, in any one year, exceed \$300,000.00

Proviso in case of annexation of territory.

Should such increase in the value of the taxable real estate, or any portion thereof, arise from the extension of the city limits by the annexation of adjacent territory, the amount of the debt upon the territory so acquired shall be, for the purpose of this article, regarded as added to the total funded indebtedness of the city, and the value of the taxable real estate so annexed, as determined by the assessors, shall be regarded as added to the total valuation of the taxable realty of the city.

Application of money so raised.

The money raised annually under the terms of this article shall not be applied to the ordinary expenditure, but shall be used absolutely and exclusively for the objects above-mentioned. The council, however, during the years 1899, 1900 and 1901, may take from the amount annually borrowed as aforesaid an annual sum not exceeding \$30,000 for the construction of wooden sidewalks.

Appropriation for sidewalks.

Loans how to be effected.

345. The said loans shall be effected by the issue of debentures or bonds or inscribed stock payable at a term not to exceed forty years from their date, at a rate of interest not

exceeding 4 per cent., and shall be redeemed by means of a sinking fund sufficient to repay the capital at the end of the said term.

346. The amounts raised under the two preceding articles can only be expended by the affirmative vote of two-thirds of the members of the council, on the recommendation of the finance committee, and not otherwise. How to be expended.

347. Should the city, at any time, decide to dispose of and sell (which said sale shall be by public auction) any of its lands and buildings, the proceeds of such sale shall be immediately and exclusively applied to the redemption of so much of the capital of the funded debt, and the obligations so redeemed shall be cancelled and shall not be re-issued under that or any other form. Application of proceeds of sale of city property.

348. The city may also borrow sums of money, and for that purpose, issue bonds, debentures or stock, or inscribed stock for special and specific purposes, but only by virtue and under the authority of a by-law, which shall be approved by the affirmative vote of at least two-thirds of the members of the council, and such by-law shall state, under pain of nullity : Further power to borrow for specific purposes under by-law approved by a two-thirds vote of the council.

1. A detailed statement of all the purposes for which the loan is to be made ; Contents of by-law.
2. The term for which it is made ;
3. The rate of interest thereon, which shall not exceed four per cent. per annum ;
4. The sinking fund ;
5. The rate of special taxation imposed for the purpose of paying the interest, and a sufficient sinking fund or annuity, as the case may be, to repay the capital, at maturity ;
6. The place or places of issue, of registration, of transfer, where the interest shall be paid and the capital redeemed, at maturity ;
7. The form of security to be issued, whether in stock, inscribed stock, bonds or debentures, in sterling or in currency, or otherwise ;
8. All other matters of detail connected with said loan.

No such by-law shall have any effect until and unless it is submitted for the approval of the owners of taxable real property within the city limits, whose names are entered upon the electors' list then in force, which vote shall be taken by ballot, in accordance with the provisions of section thirteenth of this charter, and if the majority in number of the said owners of real property who thus vote do not approve of such by-law, then the said by-law shall be null and of no effect. By-law to be approved by certain rate-payers.

Application
of proceeds of
such loans.

349. The proceeds of such loans shall be used exclusively for the purposes indicated in the by-law and be set apart by the city-treasurer, and shall in no case be available, even temporarily, for any other purpose whatever.

Penalty on
alderman
contravening
articles 346
and 349.

350. Any alderman contravening articles 346 and 349 by authorizing or approving the appropriation of any part of the loans above referred to, to any other purpose, shall *ipso facto* forfeit his seat in the council, and shall be ineligible to the council for a period of five years.

Temporary
loans in anti-
cipation of
revenue.

351. The city may borrow, annually, during the course of the fiscal year, on temporary bonds to be signed by the mayor and the city-treasurer, and countersigned by the comptroller, such sums as may be necessary to anticipate its ordinary revenue, provided that all such bonds shall be redeemed and paid out of the revenue within the year in which they are issued ; and no other temporary loan shall be effected for the following year, before the comptroller has furnished the council or any committee having jurisdiction for the purpose, with a certificate that all such temporary bonds pertaining to any one year have been retired.

Power to
issue new
bonds to re-
pay outstand-
ing loans.

How issued.

352. The city may issue new bonds, in accordance with the provisions of this section, for the purpose of repaying, from time to time, any loan, outstanding at the time of the coming into force of this charter, or which may be hereafter issued in accordance with the provisions thereof. Any loan made for the purpose of thus replacing any portion of the funded debt may be issued on the authorization of a resolution approved by the majority of the council.

Power to bor-
row to build
market-halls,
&c.

353. The city is authorized to procure by special loan a sum sufficient to build halls or suitable shelters for market purposes at Bonsecours market or in any central place in the city.

Power to
issue tempo-
rary bonds to
redeem con-
solidated
debt as it
matures.
Proviso.

354. The city may also issue temporary bonds, signed by the mayor and city-treasurer, for the purpose of redeeming the consolidated debt as it matures, until regular issues of redemption stock or bonds may be decided on by the council, under the provisions of this section ; provided such temporary bonds bear the certificate of the city comptroller that they represent retired bonds or stock, and embodying a detail of same, and that they be paid off by the proceeds of the next regular issue.

Power to is-
sue tempo-
rary bonds for
proprietors'
share of cost

355. The city may also issue temporary bonds for the proprietors' shares of the cost of street improvements as may be decided upon in conformity with this charter, until such time as the special assessments levied therefor shall have been

collected, and it shall be lawful for the city to continue or extend these bonds, by renewal, from time to time, until the said collections shall have been fully realized. of street improvements.

Such bonds shall be signed by the mayor and city-treasurer, and bear a certificate from the city-comptroller showing the object for which they are issued. How to be signed, &c.

The funds collected to repay such loans shall be deposited to the credit of a special fund and devoted solely to the payment of the temporary bonds so issued. Deposit of funds collected for payment of loans.

356. If it happens at any time that the moneys in the hands of the city-treasurer, applicable to the payment of the interest or of the principal of any of the loans heretofore authorized and made, or of any interest due upon any stock, inscribed stock, bonds or debentures issued under this act, is not sufficient to pay such interest or principal, it shall be the duty of the treasurer to calculate the rate upon the assessed value of the immoveable property liable to assessment in the city, which will, in his opinion (after making fair allowances for expenses, losses and deficiencies in the collection of such rate,) be required to produce a sum sufficient, together with the moneys in his hands applicable to the purpose, to pay such interest or principal, or both, and to certify such rate under his hand to the city-clerk, for the information of the council. Certificate of treasurer when money in hand insufficient to pay interest or capital of loans.

Such certificate shall have the effect of a by-law of the council lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all officials of the city and by all others; and the said rate shall be forthwith levied and collected accordingly, in addition to any other rates lawfully imposed by any by-law of the council. Effect of such certificate.

357. All the provisions of this charter respecting the privileges, prescriptions, procedure and remedies applicable to ordinary assessments shall apply to the rate provided for by this section. Certain provisions applicable.

358. On the issuing of the writ of execution, commanding the sheriff to levy any sum of money due by the city for the interest or principal of any loan heretofore made by the city, or for the interest on any stock, inscribed stock, bond or debenture issued under the provisions of this or any previous act, the plaintiff may require, and the court may order, that such execution be levied by rate; and, if such order is made, the sheriff shall cause a copy of such writ to be served upon the city-treasurer. Execution may be levied by rate. Copy of writ to be served on treasurer.

If the money therein mentioned, with all the lawful interests and costs, which the sheriff is commanded to levy, is not paid within one month, from the time of such service, the sheriff shall himself calculate, as nearly as may be, what rate upon the assessed value of the immoveable property liable Duty of sheriff if money be not paid in time.

to assessment in the city, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such rate, be required to produce a net amount equal to the sum, interest and costs he is commanded to levy.

Sheriff to certify rate to city-clerk.

He shall certify such rate under his hand to the city-clerk for the information of the council, in the manner and form *mutatis mutandis*, prescribed for the certificate of the treasurer in the preceding articles; and thereupon such certificate shall have the same effect, in all respects, as the certificate of the treasurer hereinbefore provided for.

Provisions applicable.

All the provisions of this charter respecting the levy and collection of a rate under the certificate of the treasurer, shall also apply to the levy and collection of a rate under the certificate of the sheriff.

Duty of city officials, &c., as regards rate.

359. It shall be the duty of the treasurer, assessors, and other officers of the city, to produce to the sheriff, on his demand, all assessment rolls, papers and documents requisite for enabling him to fix the rate hereinbefore mentioned, and to give him any information or assistance which he may require for the purposes thereof; such officers shall, for all the purposes of this and the preceding article, be deemed officers of the court out of which the writ issued, and amenable to and punishable by such court, in case of any failure to perform any of the duties assigned to them respectively by this article.

Proceeds of rate to be paid over to sheriff.

360. The proceeds of the said rate shall, by the treasurer, be paid over to the sheriff, who shall apply the same to the satisfaction of the debt, interest and costs he was commanded to levy, and, if there be a surplus, it shall be paid back to the treasurer, and applied to the general purposes of the city.

SECTION XVI

ASSESSMENTS AND TAXATION

What property liable to taxation, &c.

361. All immoveable property situated within the limits of the city of Montreal shall be liable to taxation and assessment, except such as may be hereinafter declared exempt therefrom.

What immoveable property shall comprise.

Immoveable property shall comprise lands, buildings erected thereon, machinery and other property so fixed or related to any building or land as to form part of the realty, and also all pipes, poles, wires, rails, tunnels and other constructions and apparatus of every nature used in connection with the generation or distribution of power, light, heat, water, electricity or for traction purposes, whether any of the same be constructed or placed upon, over or under property, streets, highways, or elsewhere within the limits of the city.

The council may make by-laws to impose and levy an assessment on taxable immoveable property in the city, subject thereto, not to exceed one per cent. of the assessed value of such property; for which assessment such immoveable property shall be liable and also the owner thereof personally.

Assessment on immoveable property by by-law. Property and owner liable therefor.

362. The following immoveable property is exempt from the ordinary and annual assessment ;

Property exempt from ordinary annual assessments.

(a). Buildings used for the purpose of religious worship including the land on which the same are built, such as churches, parsonages, bishops' palaces, and fabrics. The word "parsonage" shall apply to any house occupied as a residence by the officiating priest or minister of any church in the city ; provided, however, that but one parsonage for each church shall have the benefit of the exemption ;

(b). The lands and buildings recognized as educational establishments by the Council of Public Instruction, or subsidized by the Catholic or Protestant School Commissioners of the city ;

(c). Lands and buildings actually occupied and used as public hospitals or asylums ;

(d). Lands and buildings exclusively occupied and used as public libraries, reading-rooms, art galleries, or museums, provided the same are opened gratuitously to the public and shall not be kept for lottery purposes ;

(e). The lands and buildings owned and exclusively occupied as establishments of higher education or scientific teaching duly incorporated or recognized by the Government.

The above exemption shall not apply to special taxes or assessments, nor to the water-rate or price of water ; it shall not apply either to the said lands and buildings, or portions thereof, occupied or used for industries or works the profit whereof is not entirely applied to the support of said institutions ; and the assessors shall make, in such case, a special and separate estimation of the value of such lands and buildings, or portions thereof.

Exemption not to apply to certain assessments, &c. Duties of assessors in certain cases.

363. The council may also impose and levy, by by-law, a tax to be called the "business-tax," on all trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, occupations, arts, professions, or means of profit or livelihood, carried on or exercised by any person or persons, in the city ; provided that such business-tax does not exceed seven and one-half per cent. of the annual value of the premises in which such trades manufactures, financial and commercial institutions, occupations, arts, professions or means of profit or livelihood are respectively exercised or carried on ; and all persons, companies and corporations engaged in or carrying on such trades,

Imposition of business-tax by by-law.

manufactures, financial or commercial institutions, occupations, arts, professions or means of profit or livelihood shall be responsible directly for the payment of such tax.

Amount of
business-tax
for clubs, &c.

— The amount of such business-tax in the case of all keepers of clubs, inns, hotels, saloons or restaurants wherein wine, beer or spirituous liquors are sold shall be the following :

When the annual assessed value of the premises occupied for the above purpose shall not exceed \$160..... \$27 00

When the assessed value shall be :

From	160 to	240.....	\$ 36 00
"	240 to	320.....	45 00
"	320 to	400.....	56 25
"	400 to	500.....	67 50
"	500 to	600.....	78 75
"	600 to	700.....	90 00
"	700 to	800.....	101 25
"	800 to	1,000.....	112 50
"	1,000 to	1,200.....	123 75
"	1,200 to	1,600.....	135 00
"	1,600 to	2,000.....	157 00
"	2,000 to	2,400.....	175 00

with an increase of \$17.50 for each \$400 or fraction of the same above \$2,400.

56 V., c. 13,
s. 30, not af-
fected.

Nothing in this clause contained shall affect the act 56 Victoria, chapter 13, section 30, as amended by the act 55-56 Victoria, chapter 11, section 26.

Special taxes
upon :

364. The council may also, in addition to the above taxes, impose and levy, by a vote of the majority of the whole of its members, the following special taxes :

Bicycles, &c. ; (a) A special tax, not exceeding \$1.00, on bicycles, tricycles and other vehicles of that kind. This provision shall not apply to such vehicles when used by children under ten years of age ;

Milkmen, &c. ; (b) A special tax, not exceeding \$10, on milkmen and bakers ;

Carters, &c. ; (c) A special tax, not exceeding \$15, on carters or hackmen ;

Owners of
horses, &c. ; (d) On the owners of horses and vehicles, for each and every horse, a special tax not exceeding \$10, and for each and every vehicle, a special tax not exceeding \$15 ; except such owners as are licensed or taxed under the preceding paragraph ;

Vehicles for
carting stone.
&c. ; (e) A special tax, in the form of a license, not exceeding \$25, on every vehicle used to bring from outside municipalities into the city any building stone, whether it be rough or cut.

Employment
offices, &c. ; (f) A special tax, not exceeding \$50, on employment offices, public laundries, keepers of private hospitals, real

estate agents, peddlers, hawkers, hucksters, junk and second-hand dealers and all itinerant traders doing business in the city ;

(g) On persons and clubs keeping billiard-tables, pigeon-hole-tables, bowling-alleys, shooting galleries and other similar games, a special tax, not exceeding \$50, for each billiard-table, pigeon-hole table, bowling-alley, shooting gallery or other game ;

Keepers of billiard-tables, &c. ;

(h) A special tax, not exceeding \$50, per annum, on every person keeping a butcher's shop within the limits of the city outside of any of the city markets ;

Keepers of butchers' shops ;

(i) A special tax, not exceeding \$50, on stockbrokers, financial agents and money lenders, except duly incorporated loan companies ;

Stock-brokers, &c. ;

(j) A special tax, not exceeding \$100, on every person opening temporarily a shop to sell therein any bankrupt stock or other effects ;

Persons selling temporarily bankrupt stocks, &c. ;

(k) A special tax, not exceeding \$200, on pawnbrokers ;

Pawnbrokers ;

(l) A special tax, not exceeding \$200, on auctioneers and \$40 on auctioneers' clerks ;

Auctioneers, &c. ;

(m) A special tax, not exceeding \$200, per diem, on circuses, menageries, or travelling exhibitions and shows ;

Circuses, &c. ;

(n) A special tax, not exceeding \$200, on every life, accident, or guarantee insurance company, doing business and taking risks in the city, and a special tax, not exceeding \$100, on every marine insurance company doing business and taking risks in the city ; provided that when any such insurance company combines two or more branches of any kind of insurance, one tax only shall be levied upon such company, that is to say, the tax, the rate of which is the highest on any of the said branches of insurance respectively ;

Life insurance companies

(o) A special tax, not to exceed \$400, on every fire insurance company doing business and taking risks in the city ;

Fire insurance companies, &c. ;

(p) A special tax, not exceeding \$400, on every bank doing business in the city, with a paid up capital of one million dollars or less ; a tax, not exceeding \$500, on every such bank, the paid up capital whereof more than one million but does not exceed two million dollars, and a tax, not exceeding \$600, on every such bank, the paid up capital whereof is above two million dollars ;

Banks ;

(q) A special tax, not exceeding \$100, on every detective agency, and a special tax, in the form of a license, not exceeding \$5, on every constable or guardian of the peace not being under the control of the municipality or the Government ;

Detective agencies, &c. ;

(r) A special tax, not exceeding one-tenth of one per cent., upon the paid up capital stock of any company or corporation enjoying any franchises in, over and under or upon any of the streets or territory within the limits of the city, when

Companies enjoying franchises over streets or territories

in the city,
&c. ;

Certain cor-
porations,
taxed under
article 361,
not affected.

such franchises shall have been or shall hereafter be acquired by the terms of any general or special act of incorporation, or in virtue of any contract or agreement with the city, or with the permission thereof. This clause shall not apply to the Grand Trunk Railway Company of Canada, nor to the Canadian Pacific Railway Company, nor to the companies or corporations whose pipes, posts, wires, rails, tunnels and other constructions and apparatus of every nature whatsoever, employed in the production or distribution of motive-power, light, heat, water, electricity or for purposes of traction, built or placed on, over and under public property, streets, roads, or elsewhere within the limits of the city, shall be liable to the real estate tax or assessment in article 361 ;

Distillers,

(s) A special tax on every person doing business in the city as distiller, at the rate of \$80 for every four hundred dollars, or fraction thereof, of the assessed yearly value, according to the valuation roll, of the premises occupied and used for the purposes aforesaid ;

Brewers ;

(t) A special tax on every person doing business in the city as brewer, at the rate of \$60 for every four hundred dollars, or fraction thereof, of the assessed yearly value, according to the valuation roll, of the premises occupied and used, for the purposes aforesaid ;

Lottery com-
panies, &c.

(u) A special tax, not exceeding \$1,000, on all persons companies or corporations engaged in or promoting lotteries of any kind whatsoever legally authorized, including art unions, art associations, and such like enterprises whose operations consist in advancing, lending, giving, selling or in any way disposing of any property by lots, tickets, cards or any other mode of chance whatsoever, and a special tax not exceeding \$10 on every person selling or offering for sale such tickets or cards.

Special tax.
may be in the
form of li-
cense.
When pay-
able.

365. Every special tax imposed under the preceding article may, in the discretion of the council, be imposed and levied in the form of a license : and thereupon such tax shall be payable annually, at such time, and under such conditions and restrictions as the council may determine.

Further taxes
as authorized
by this char-
ter.

366. In addition to the above taxes mentioned in the foregoing articles, the council may also impose such taxes as are otherwise authorized by this charter.

Taxes, &c.,
payable an-
nually at time
fixed by by-
law.

367. Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually and at the time fixed by the by-laws which may be passed with respect thereto.

Cadastral
number suf-
ficient to de-
scribe prop-
erty.

368. The cadastral number, given to immovable property upon the official plan and in the book of reference for the territorial division in which such property is situated, shall be a sufficient description of such property in the assessment

and valuation roll to enable the city to levy the assessment thereon.

369. Whenever the subdivision of any property shall not have been duly registered in the registry office, in the limits whereof such property is situated, the assessors may assess it as a whole; and it shall be lawful for the city to levy such assessments on the whole or on any part of such property; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately, and to value the share of assessment imputable to each known proprietor.

When prop-
erty is sub-
divided.

370. The business-tax shall be payable for every establishment of such trade, business or occupation, when it shall be carried on by the same person, firm of persons or company in two or more distinct and separate buildings or places of business.

Business-tax
payable for
every branch
of business.

371. In the case of any tax or assessment imposed on any firm or partnership, in respect of the business of such firm or partnership, such tax or assessment may be claimed and recovered in full from any of the members of such firm or partnership.

Tax on part-
ners.

372. The council may pass such by-laws as may be necessary to enforce the collection of any special tax or special assessment imposed in virtue of this charter.

By-laws for
collection of
special tax,
&c.,

It shall also have the right to determine, by by-law, the declaration which persons, companies and corporations paying taxes under this section shall be obliged to make, even under oath, to facilitate the collection of the said taxes.

Also for dec-
laration to be
made by cer-
tain persons.

In default of such person, company or corporation making such declaration required by the by-laws of the city, the assessors shall estimate the matters subject to the said taxes under article 364 and such value shall be valid for all lawful purposes.

Duty of as-
sessor in
default of
declaration.

SECTION XVII

BOARD OF ASSESSORS, VALUATION AND ASSESSMENT ROLLS, AND MUNICIPAL AND SCHOOL TAX ROLLS

§ 1.—*Board of Assessors*

373. The council, in December of each year, shall appoint eight assessors, with power to increase or diminish their number, from time to time, by a resolution adopted by the majority of the whole of its members.

Appointment
of assessors.

The council may dismiss any of them who shall fail in the performance of his duty; and may fill any vacancy which may occur in their number.

Their dismis-
sal.
Vacancies.

Term of office.	Such assessors shall hold office till their successors shall have been appointed.
Remuneration.	The remuneration of such assessors shall be fixed, from time to time, by the council, and it shall designate which of the assessors shall act as chairman of the board.
Division of labors.	The council shall determine the manner in which the assessors shall divide their labors.

Oath of assessors.

374. Before taking office, the assessors shall subscribe to the following oath of office before the mayor or city-clerk :
 " I, A. B., having been appointed an assessor for the city of Montreal, do declare upon oath, that I will faithfully, impartially, honestly and diligently perform the duties of an assessor according to law. So help me God."

§ 2.—Valuation and Assessment Rolls

Valuation and assessment roll for each ward.	375. The assessors shall, every year, between the first of May and the first of September, make for each ward of the city a valuation and assessment roll of all immoveable property situated in such ward.
Two assessors to act together.	In valuing such immoveable property the board of assessors shall divide their labours in such a manner that at least two assessors shall act together.
Contents of roll. Street names, &c.	Such roll shall contain : 1. The street names and street numbers of immoveables, and their cadastral numbers, distinguishing between assessable immoveables, and those exempt from assessments, and also between the lands and buildings, and valuing each lot separately ;
Full names of proprietors, &c. : Exception ;	2. The full names and occupations of proprietors, and their actual residences, as far as can be ascertained ; except in the case of successions where the name of the predecessor shall be sufficient ; and where the heirs are not known according to the registrar in the registry office or do not make known their names and qualities to the assessors.
Actual value, &c., of property, &c. ;	3. The actual value, as well as the <i>bona fide</i> rent, of such immoveable property, and if the assessors consider that such rent does not represent, or is disproportionate to the annual value of such property they shall insert, in the assessment roll, the actual annual value thereof ;
Amount of assessments, &c. ;	4. The amount of assessments imposed on immoveable property by law and in virtue of any provision of this charter ;
Necessary information for school-tax ; Any other information required.	5. The necessary information for the compilation of the panels for the school-tax ; 6. Any other information required by law or by the council.

§ 3.—*Tax Roll*

376. The assessors shall also make, between the first of May and the first of August of every year, a tax roll which shall specify all the personal, business and water-rates due to the city in virtue of any law or by-law, and the names of all persons liable therefor.

This roll shall be prepared according to wards.

Annual tax roll and what to contain.
Roll for each ward.

§ 4.—*General Rules*

377. It shall be lawful for the city-treasurer to make credit entries of payments, on the margin of the said valuation and assessment roll and on the said tax roll, and all necessary figures to calculate and establish the unpaid balance outstanding at the end of the fiscal year; provided that in other respects the said rolls are in no wise altered or changed.

Credit entries, &c., may be made on margin of valuation roll, &c.
Proviso.

378. It shall be the duty of every rate-payer and citizen to give, when requested, all information that may be sought by any of the assessors in the discharge of their duties; and any person refusing to give such information, or who knowingly misleads or deceives any of the assessors, or insults or assaults them, or refuses to allow them, in the discharge of their duties, to enter in or upon the property or premises owned or occupied by him, shall for each offence, incur a penalty not exceeding \$20.00, recoverable before the recorder's court.

Duty of rate-payers, &c., to give information, to assessors.

Penalty for default, &c.

379. Immediately upon the completion of the tax roll, as well as later, upon the completion of the valuation and assessment roll, the board of assessors shall give public notice of such completion by advertisement, in two daily newspapers published in the French and two in the English languages specifying in each advertisement the delay for examining said rolls, as regards the several wards of the city, which delay shall not be less than eight days from the date of the last insertion of such notice; and the said notices shall also announce the days on which each of the said rolls, respectively, will be revised, specifying, in particular, the days on which the rolls affecting the different wards of the city will be revised.

Notice of completion of and delay for examining rolls to be published.

To contain also notice of days fixed for revision of rolls.

The revision of the tax roll shall be completed not later than the twentieth of August in each year, and the revision of the valuation and assessment roll shall be completed not later than the twentieth of September in each year.

When revision to be completed.

380. During the delays fixed by the said notices respectively, the board of assessors shall receive all complaints that may be brought before it, respecting any entries or

During delays, board of assessors to receive com-

plaints and decide thereon but not later than certain day.

omissions in the tax roll, or in the valuation and assessment roll, at the respective times and places announced by said notices, and may adjourn, from time to time, as may be necessary, to hear and determine such complaints, but it shall give its decision in the shortest delay possible, and shall in no case go beyond the thirtieth of November.

How complaints against valuation roll to be made and heard, &c., and proceedings thereon.

381. All complaints in respect of the valuation and assessment rolls must be made in writing, and the board of assessors shall have power to hear and examine upon oath the parties interested or their agents, in respect of such complaints, and, thereupon confirm or amend the entries complained of.

Record of proceedings of assessors.
Delays.

382. The board of assessors shall keep a succinct record of its proceedings upon any verbal or written complaints.

No complaints as to any entry in any tax roll, or in any valuation and assessment roll, shall be received after the expiration of the delays fixed as aforesaid for the examination and revision of such rolls.

Complaints as to tax roll need not be in writing.

Complaints as to the tax roll need not be made in writing, unless so required by the board of assessors.

Appeal to recorder's court from decision and proceedings thereon.

383. Any rate-payer having duly complained of any entry or omission in the said rolls or either of them, who may think himself aggrieved by the decision of the assessors, may, within eight days, appeal from such decision by petition to the recorder's court, which shall have jurisdiction in all such cases. All such petitions, together with a copy of the proceedings had in each case before the assessors, duly certified by the secretary of the board, shall be filed with the clerk of the recorder's court, who shall give each petitioner notice of the day and hour when the said court will proceed to hear and determine the merits of the complaint.

Evidence may be adduced.

When the cases are heard, evidence may be adduced by the parties interested upon the matters at issue.

Final appeal to judge of superior court on summary petition and proceedings thereon.

384. A final appeal shall lie from any decision rendered by the recorder's court in respect of any entry on the valuation and assessment roll or on the tax roll, to any one of the judges of the superior court, by summary petition, either in term or vacation, within a delay of ten days from and after the decision, and it shall thereupon be lawful for any judge of the superior court to order that the record of the proceedings of the recorder's court, together with the complaint itself, be transmitted to him, and, upon receipt thereof, and after having heard the parties, either in person or by attorney, to give such judgment as to law and justice shall appertain, and such judgment shall be final.

When complete rolls to be delivered

385. As soon as the board of assessors shall have completed the revision of the valuation and assessment roll and the tax roll respectively, it shall deliver the same to the city-

treasurer, duly signed and certified under oath before the mayor or city-clerk and signed by not less than a majority of the members of the board ; and thereupon, except in respect of any case appealed from, the said rolls shall be binding upon all persons named or assessed therein for the amounts fixed by the said rolls respectively, and shall remain in force until a new roll or rolls have been completed and put in force in accordance with the provisions of this charter.

to city-treasurer.
Rolls there-
after binding
and remain in
force until
new rolls
completed.

386. Upon receipt of the said rolls, or either of them, or of any assesment roll made under the provisions of this charter, the city-treasurer shall give public notice thereof, in the form No 25.

City-treasurer to give notice on receipt of rolls.

387. If any rate-payer neglects to pay the amount of taxes or assessments due by him, the city-treasurer may, after having mailed or delivered to such rate-payer a notice according to form No 26, and after the expiration of the delay therein mentioned, levy the same, with costs and interest, by warrant to be issued by the recorder's court, in the form No 27, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all goods and effects in his possession, in whatever place within the city such goods and effects may be found, saving the exemptions provided by law, and no claim of ownership or preference in connection with the same shall prevent the sale thereof, for the payment, out of the proceeds of such sale, of any taxes or assessments due on the premises where the said goods and effects are found.

If rate-payer neglects to pay, city-treasurer may, after notice, levy amount with costs by warrant from recorder's court.

388. The legal privilege of the city for all personal and business taxes and water-rates due to it or any interest thereon, and costs, shall extend to all moveable goods, chattels, and effects, that may be found upon the premises occupied by the debtor on the day of the seizure mentioned in the preceding article, and also upon any other goods and chattels that may belong to him, wherever found at the time of their seizure by the city.

Extent of city's privilege for taxes, &c.

The city may subrogate to all its rights and privileges any person paying the taxes of another, with the consent of the debtor.

Power to subrogate in city's rights.

389. Before proceeding to the sale of such goods and chattels for the payment of taxes, the treasurer shall give notice, in the form No. 28, of the day and place of sale, and of the name of the debtor in default, which notice shall be posted in a conspicuous place at the entrance of the city-hall, and a copy thereof mailed to the last known address of the person in default, at least three clear days previous to such sale.

Notice to be given before proceeding to sell.

Quantity of
goods, &c.,
to be sold.

390. No larger quantity of goods and chattels shall be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article to be sold, it is impracticable so to limit such sale.

Disposal of
surplus of
proceeds of
sale.

If the goods and chattels seized are sold for more than the whole amount exigible under the writ of execution, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus shall be paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer, until the respective rights of the parties be determined by the court.

Errors, &c.,
not to inval-
idate roll.

391. No error, omission, or informality in the preparation, completion, publication and putting into force of any tax roll or valuation and assessment roll, shall invalidate the same, unless an actual injustice results therefrom.

Proviso.

Informalities
in roll not to
affect status
of elector,
&c.

No informality in the completion or confirmation of these rolls shall affect the status of any elector in any suit under this act whose name is entered thereon as qualified to vote.

Power of
board may be
exercised by
majority.

School taxes
may be in-
cluded in
register.

Revision of
panels by
treasurer.

392. All powers hereby vested in the said board of assessors may be validly exercised by a majority of the board.

393. The roll for school taxes may be included in the register containing the assessment roll for immoveables, and with the same formalities.

The treasurer may also revise the panels of such school roll in the same manner and with the same effect as if they were in a separate book or roll.

Supplement-
ary rolls and
what to con-
tain.

394. At any time after the completion of the valuation and assessment rolls, and the municipal and school tax rolls, the assessors shall make a supplementary roll, containing the names of all persons who have been omitted in the first rolls, or who have since become liable for the payment of any assessments, taxes or other municipal dues, and such supplementary roll shall be closed on the thirtieth of November and shall not be subject to any revision.

Copy of valua-
tion and as-
sessment roll
for publica-
tion.

Publication,
&c., thereof.

395. The assessors shall, when ordered so to do by the council, in January of every second year, commencing with 1901, cause to be prepared for publication a copy of the valuation and assessment roll then in force as prepared under article 375. This roll may be published and made accessible for citizens in such manner as the council shall by resolution provide.

SECTION XVIII

SALE OF IMMOVEABLES FOR TAXES AND ASSESSMENTS

396. It is the duty of the city-treasurer to prepare, before the first day of May, every year, a schedule containing a legal description of every immoveable in the city on which, at least, two years' arrears of assessments (or any portion thereof) have accrued,—or on which the assessment (or any portion thereof) for any single year (or any portion thereof) shall have been due and unpaid for more than one year,—or on which any special assessment or instalment (or portion thereof) shall have been due for more than one year,—with the names of the proprietor as they appear upon the latest valuation and assessment roll of the city, and a statement of the amount due in each case, with accrued interest.

Treasurer to prepare schedule of property in arrears for taxes, &c.

397. The city-treasurer shall then cause to be served at, or mailed by registered letter to the domicile or place of business of the last assessed owner on the said valuation and assessment roll, a statement showing the amount due, with a notice that the immoveable will be sold by the sheriff, in default of payment within ten days from the date of mailing or service of such notice.

Notice to be given last assessed owner.

In the event of the immoveable having changed owner subsequent to the completion of the latest valuation and assessment roll, then the said notice may be mailed or served upon the last registered owner.

Notice to last registered owner in certain cases.

If the last assessed or registered owner has no known domicile within the Province of Quebec, or has no known representative, the formality of the notice shall not be required.

If domicile of owner not known, &c., in such case.

When the entry or entries under any cadastral number or subdivision thereof in the registry office do not disclose its owner, or when the title to the immoveable is not sufficiently clear to make known such owner, the service or mailing of the statement and notice upon the last assessed owner, in the manner above-described, shall be valid.

When owner is not sufficiently described.

When the assessed immoveable is placed on the valuation and assessment roll as belonging to a succession or to co-proprietors, the statement and notice, if served upon or mailed, by registered post, to any two of the legal heirs or representatives, or upon any two of the co-proprietors, shall be sufficient.

When property belongs to a succession.

398. If the amount due is not paid within the said period of ten days, the city-treasurer shall deliver such schedule, duly certified by him, to the sheriff of the district of Montreal, who shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of all the immoveables described therein, after having published a notice thereof, as provided in the following article.

Schedule to be delivered to sheriff and sale by that officer after notice.

Form of notice by sheriff.

399. The notice to be given, as aforesaid, by the sheriff, may be in the form No. 29; it shall comprise as many immoveables as the sheriff has been required to sell, for the levying of the amount due to the city, with interest and costs.

Description of immoveables in notice.

In the said notice, it shall be sufficient to describe the immoveables by the cadastral number, or subdivision of a cadastral number, of the immoveable on the official plan and book of reference, and by adding the word "part" when such immoveable is only a portion of a lot having a cadastral number or subdivision, and by adding the name of the street and the contents; but the sheriff shall refer, in the said notice, to the schedule prepared by the city-treasurer, in accordance with article 396.

Reference to schedule.

Publication of notice, &c.

Such notice shall be published twice during one month, reckoning from the first publication and before the day fixed for the sale, in the *Quebec Official Gazette*, and also in one English newspaper and one French newspaper, published daily in the city, and it shall also be posted at least fifteen days before the day fixed for the sale, on the property to be sold.

Copy of notice to be sent to registrar.

400. Immediately after the publication of the said notice as aforesaid, the sheriff shall transmit to the registrar of the registration division in which such immoveables are situated, a copy of the notice of such sale, and of the descriptive schedule of the immoveables to be sold; and the registrar shall proceed, with respect to the said immoveables, in the same manner as he is bound to do upon notices for seizures of immoveables made by the sheriff, according to law.

Duty of registrar thereupon.

Sheriff to exact deposit before adjudication.

401. Whenever any immoveable is offered for sale by the sheriff under this charter, he shall exact from the highest bidder, and before final adjudication, a sum of money equal to the amount of the assessments for which the immoveable is advertised to be sold, with the interest and costs, and also the approximate cost of the judgment of distribution to be prepared by the prothonotary of the superior court; nevertheless, if the amount bid is insufficient to cover such assessments, costs and interest, the amount to be deposited shall be only the amount of such bid.

Proviso.

If deposit refused.

Should the last bidder refuse or neglect to make such deposit, then the sheriff shall immediately re-offer the immoveable for sale, on the same conditions

Remedies.

All the remedies or procedure applicable to sales by the sheriff under writs of execution, as well as the legal effects thereof, shall also be applicable to sales under this charter.

Date of sale.

402. Sales of immoveables, as aforesaid, shall take place on the fifteenth day of October in each year, or if such day be not a juridical day, then on the following juridical day.

The immoveables shall be offered for sale separately in the order in which they appear in the notice ; and if, on the day of the sale, no bid is made, or if all the immoveables cannot be sold on the day appointed, the sale shall be postponed until the following day, and so on, from day to day, until all are sold.

Mode of procedure at sale.

The proceeds of the sale of each immoveable shall be returned by the sheriff into the superior court, to be distributed according to law.

Proceeds of sale how disposed of.

Property sold for taxes may be redeemed by the proprietor or his representative at any time within two years from the date of sale, on payment to the purchaser of the amount paid by him for such property with 15 per cent. added to such amount.

Redemption by proprietor.

403. No employee of the city shall directly or indirectly bid for, or become the purchaser of any of such immoveables ; and if he shall do so, such bid or adjudication shall be void.

Employees not to bid or purchase.

The city-treasurer, or a person named by him, may however bid for and become the purchaser of any immoveables, for and in the name of the city, in order to protect the interests of the city.

City may bid and purchase through city-treasurer.

404. All moneys which, from and after the coming into force of this act, become due to the city, for any tax, special and annual assessments or water-rates, together with interest accrued thereon and costs, are privileged debts, and rank without registration upon the proceeds of the moveable or immoveable property in respect of which such debt is due, in the order fixed and determined in articles 1994 and 2009 of the Civil Code of Lower Canada ; provided always that such privilege shall not extend beyond the amounts due for three years and the then current year, that is to say, for the year when such claim is made, and for the three years next preceding that year ; nevertheless, if the city, within three years to be counted from the time at which such tax, special or annual assessment, or water-rates become due, have taken legal proceedings for the recovery thereof, either under the provisions of this act or by an ordinary action, then its privilege shall extend and apply to all taxes, special or annual assessments and water-rates, which may have become due between the institution of legal proceedings and final judgment.

Moneys due city privileged.

Rank of such privilege.

Proviso.

Further proviso.

405. The special tax or assessment imposed upon the portion only of a property shall be payable and exigible by privilege taking the same rank as that given by article 404 upon the whole of the said property and, in the case of non-payment, the city may have the immoveable sold.

Privilege for certain special taxes.

406. Legal interest accrues on all taxes and assessments, water-rates and special taxes from the date when such taxes, assessments and water-rate are respectively due and payable.

Interest on taxes.

It shall not be lawful for the council or any of its officers to remit any part of the interest so accrued.

Not to be remitted.

407. Subject to the provisions of this charter, the right to recover any tax, special or annual assessment, or water-rate under this charter, is prescribed and extinguished by four years, to be computed from the time at which said tax, special or annual assessment, or water-rate become due, provided that in cases of special assessments, payable in yearly instalments, the prescription shall only run from the time when such instalments are due respectively.

Prescription.

Prescription interrupted in certain cases.

408. Whenever any valuation and assessment roll, or special assessment roll, is attacked or contested by proceedings, such proceedings shall be held to interrupt prescription in respect to all such assessment rolls, until the date of the final adjudication upon or determination of such judicial proceedings.

Evidence of payment of taxes, &c.

409. In any judicial proceeding, the production of a receipt, stamped with an official stamp of the city, and purporting to be signed by the city-treasurer, or other person for him, shall be held and taken as *prima facie* evidence of the payment of any tax, assessment or water-rate that may be due to the city.

SECTION XIX

STREETS AND HIGHWAYS—PLAN OF THE CITY

Description and recording of streets, &c.

410. It shall be the duty of the city-surveyor to cause such of the streets, lanes, highways and public squares or any part thereof, as have been acquired by the city or have been open for public use for ten years, and not heretofore recorded, or sufficiently described, to be described and recorded in a book or register, to be kept exclusively for such purpose; and such streets, lanes, highways and squares, when entered of record, shall be deemed to be public highways.

Streets, &c., indicated on plan to be public highways.

411. All the streets and highways which may be indicated and projected upon any plans or maps of the city, that may hereafter be duly confirmed by the superior court, or any judge, shall likewise be deemed to be public highways and shall also be recorded in the said register.

Construction of drains in private streets, &c.

412. The council may by resolution order the construction of drains in a private street or lane when the public health requires the same, and allot the cost thereof upon the proprietors as if such work had been done in the public streets of the city.

413. The city council may instruct the city-surveyor, after the coming into force of this charter, to lay out, indicate, and project upon proper plans or maps, all the streets, highways, places and squares of the city, with their actual limits and dimensions, within the whole extent of the limits of the city, and this shall be done for each ward, separately, but in such manner so that the plans or maps of the different wards of the city shall correspond to each other, and form, when completed and confirmed by the superior court, as hereinafter provided, one plan, to be known as "The General Plan of the City of Montreal." provided however that this clause applies only to continuations of the city plans as homologated and now in force.

General plan
of the city of
Montreal to
be made.

Name.

414. When the said map or plan shall be completed, the city-surveyor shall submit the same to the council and if the said plans or maps shall be approved by the council, by a two-thirds majority of the council, the city-attorney shall thereupon apply, by summary petition, to the superior court or any of the judges thereof, for the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which the said petition shall be so presented, in four newspapers, two of which must be published in the French language, and two in the English language, in the city, provided that the said notice shall have at least two insertions, in each of the said newspapers, and that at least twenty days shall elapse between the date of the last insertion of the said notice and that of the presentation of the said petition.

Approval and
confirmation
of plan.

Notice there-
of.

415. No modification or addition to any judicially confirmed plan or map of the city shall have any effect unless the same shall be approved by two-thirds of the members of the whole council, at a meeting thereof, and thereupon, the superior court, or any one of the judges thereof, may, upon the petition of the city, of which public notice shall be given in the manner indicated in the preceding article, order that the said general plan of the city be modified, or added to accordingly.

Modifications
to plan, ap-
proval and
confirmation
thereof.

416. A copy of the general plan of the city, certified by the city-surveyor shall be deposited in the office of the prothonotary of the superior court, for the district of Montreal, in the office of the city-clerk and in each of the registry offices of the city; and all modifications or alterations of, or additions to the said plan or map shall be certified and deposited in the same manner; and the said copies of the general plan of the city, and all modifications, alterations, or additions thereto, shall be certified by the prothonotary

Deposit of
plan, &c.

of the said superior court in the following words: "confirmed by the Superior Court, on the day of
"

City not bound to carry out openings, &c., of streets indicated thereon unless so directed by council.

Proviso as to damages, &c.

417. The city shall not hereafter be obliged, by reason of the confirmation of any plan or map of the city, or any modification thereof, or addition thereto, to carry into effect any opening, widening or extension projected or indicated thereby, unless the council shall so decide, in conformity with the provisions of this charter; nor shall the city hereafter be liable for any indemnity or damages whatever by reason merely of the confirmation of such plan, or any alteration or modification thereof, or addition thereto.

City not liable for damages, &c., after confirmation of plan, &c.

418. The city shall not be liable for any indemnity or damages claimed with respect to any building constructed, or improvements, leases or contracts made by any person whatever, upon any land or property, after the confirmation of any plan or map, or of any modification or alteration of, or addition thereto.

When city may open streets, &c., and formalities to be observed.

419. The city shall not open, widen, or extend any street, lane, highway or square, unless the same are indicated and projected on the said general plan of the city, or some modification thereof, or addition thereto; nor unless at least two months have expired since the judicial confirmation of any such plan or map, or modification thereof, or addition thereto; nor shall any opening widening or extension be begun, or take place or have any effect, until and unless the formalities hereinafter prescribed, relative to the mode of expropriation, are strictly observed, nor unless provision is made for the payment of the cost of said opening, widening or extension, and of all damages and indemnities that may be payable or exigible, together with costs of all proceedings incident thereto.

Names of streets, &c., and changes therein, &c.

420. The council is hereby empowered to assign names for the streets, highways and squares of the city, but if any change be made by the council in the name of any street, highway or square, the city-surveyor shall report such change without delay to the registrar of each division in the city.

Notice thereof how given, &c.

Notice of homologation and of all changes in the plan of the city and all changes of streets shall be given in the same way as for the passing of a by-law.

SECTION XX

EXPROPRIATIONS, ASSESSMENTS FOR SIDEWALKS, SEWERS,
AND PAVEMENTS, AND EXPROPRIATIONS OF
PUBLIC FRANCHISES

§ 1.—*Expropriations in the general interest*

421. The council shall not authorize or resolve upon any expropriation proceedings for carrying out any improvement in accordance with the provisions of this charter, unless and until they have had a report made to them as to the probable cost of the said improvement established by two of the assessors and by the city-surveyor.

Estimate of cost of expropriation, before ordering same.

422. Upon such report, if any immovable property is in accordance with the provisions of this charter and in the opinion of three-fourths of the entire council and with the consent of the mayor, required for any improvement or purpose of public utility, the same may be acquired by purchase or agreement; but, if such property is not so acquired, the same may afterwards, and without special proceedings being taken towards such acquisition by purchase or agreement, be acquired by expropriation, and the price or compensation therefor fixed and determined as hereinafter provided.

Acquisition of property for improvements.

423. In case the immovable is acquired by purchase or agreement, no greater price shall be paid therefor than the average of its value on the valuation and assessment roll for the four years preceding the year upon which the said expropriation is determined upon, plus twenty per cent. thereof.

Limit of price, if property is acquired by agreement.

424. In all cases where the property to be expropriated consists of vacant land, the price, indemnity and compensation, which alone shall be payable to the proprietor of such land, shall not exceed the average of the value of the land to be expropriated according to the valuation and assessment rolls for the four years preceding the year when such expropriation is determined upon, plus an amount not exceeding twenty per cent upon such value.

Price, if property is vacant.

425. In all cases where the whole or a portion of the land expropriated is built upon, the amount to be paid by the city for the land actually expropriated shall be determined in accordance with the provisions of the preceding article.

Basis of price for buildings.

By whom
price deter-
mined.

The amount paid by way of indemnity for the building or buildings, or so much thereof as may be taken for the purposes of the said expropriation, shall be estimated by the expropriation commissioners as hereinafter provided.

Right to ac-
quire the
whole cadas-
tral lot and
fixing of
price.

426. In all cases where a portion of a cadastral lot is required for the purpose of expropriation, and in cases where a building is built upon more than one cadastral lot, the city shall have the right to acquire by expropriation the whole of the lot or lots, as may be occupied by the said building affected by the expropriation, by paying to the proprietor thereof an amount not exceeding the average of the value of the land and of the buildings as established by the valuation and assessment roll for the two years preceding the year when the improvement was resolved upon, plus an amount not to exceed twenty per cent. on the value of the land as so established and of twenty-five per cent. of the said average value of the buildings.

Proprietor
may require
the city to
buy the whole
cadastral lot
in certain
cases.

427. In all cases where a proprietor whose immovable is to be expropriated shall have less than forty feet in depth remaining to him of the lot, of which only a part is required, and in all cases where a proprietor's building, constructed upon more than one cadastral lot, may be in part expropriated he may require the city to take the remainder of his lot or the lots or portions of lots upon which the residue of the said building is erected and to pay therefor in accordance with the provisions of the preceding article.

Limit of in-
demnity for
tenants.

428. No indemnity, damages or compensation shall be paid to tenants of any land or building, required in whole or in part for expropriation purposes, beyond an amount which shall not exceed the remainder of the current year and of one other year's rent of the premises occupied by them; and then only in cases where the lease is for one or more years beyond the year current at the time of the adoption by the council of the resolution for such expropriation.

Value of cer-
tain improve-
ments may be
allowed to
tenant.

The commissioners may award the value of such repairs and fittings as may have been made by a tenant prior to the passing by the council of the resolution concerning the expropriation, provided that the same are not included in the valuation of the building.

No indemnity
to tenants in
certain cases.

No indemnity shall be allowed, in any event, to tenants whose leases shall have been made or who shall have taken possession of the premises subsequent to the resolution of the council for the said expropriation.

Appointment
of board of
expropriation
commission-
ers.

429. For the purpose of ascertaining the compensation to be paid to the proprietor whose building may be affected by such expropriation, and subject to the reserves and rights of the city as hereinbefore provided for the

acquisition of the whole or part of the said buildings and for the purpose of determining, subject to the above provisions, the rights, if any, of the tenants of such buildings, a board of expropriation commissioners shall be appointed.

Such board shall consist of one of the recorders of the city, (who shall be the president and convener of the said board) two of the assessors of the city to be named by the council, and two other commissioners, who shall be named by the superior court or a judge thereof upon a petition to that effect to be made by or on behalf of the city after continuous notice in two daily papers published in the English language and in two daily papers published in the French language during a period of at least two weeks. The two latter commissioners shall be appointed upon the exclusive suggestion of the party to be expropriated.

Composition of board.

Petition and notice for certain appointment.

There shall be no appeal from the decision of such commissioners.

Decision of board final.

430. The notice of the aforesaid petition and the petition itself shall contain a description of the properties to be expropriated.

Contents of notice and petition.

The court or judge to whom such petition shall be presented shall fix a day on which the commissioners shall commence operations and also the day upon which they shall make their report, but such times respectively may be extended for cause by the court or judge upon petition made by or on behalf of the city.

When board to commence and finish operations.

431. The proceedings of the said commissioners shall not be voided or set aside on account of an insufficient or incomplete description of any of the immovables to be expropriated, or of the want of any other formality required by this charter, unless exception shall be taken thereto prior to the confirmation by the court or by a judge of the report to be made by the commissioners, and also unless it be shown that serious injustice may thereby have been caused to the party complaining.

Irregularities in proceedings not to vitiate, &c.

Proviso.

432. If, at any time after his appointment, any of the commissioners fails in the performance of the duties assigned to him, or does not fulfil such duties in a faithful, diligent, and impartial manner, it shall be lawful for the city, by its attorney, to apply, by summary petition, to the superior court, or to a judge thereof, as the case may be, to stay proceedings, and to remove and replace the commissioner who so misconducts himself; and upon such petition, the court or judge, may issue such order as may be deemed conformable to justice.

Removal and replacing of commissioners in case of negligence, &c.

433. In case any of the commissioners dies, or is disqualified, or unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary

Replacement of commissioners in case of death, &c.

petition to that effect, to be presented by the city after two clear days' notice, to be established to the satisfaction of such court or judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor.

Duty of commissioners to proceed with diligence.

434. In arriving at their decision in connection with such expropriation, the said commissioners, shall proceed, after their appointment, with all diligence, to establish the value of the land and buildings to be expropriated, in accordance with the foregoing articles.

Oath of commissioners.

They shall, with the exception of the recorder, before proceeding, be sworn before the prothonotary of the superior court to perform their duties faithfully, diligently and impartially.

Powers.

They shall have power to send for, subpoena and examine under oath witnesses, as well as all parties interested, and may require the production of titles and documents; they shall inspect the properties to be expropriated and shall take any other means which they may see fit to establish the true and correct amount of the indemnity to be paid for the land and buildings to be expropriated, and shall report as to the cost to the city of the acquisition of the whole properties as hereinbefore provided, as well as of the portions to be expropriated.

Report and what to contain.

Their report shall be signed and shall establish the amount at which the city shall have the right to acquire the immoveables which are required for the purposes of the said expropriation.

Signature to report.

The report may be validly signed by the majority of the commissioners.

Duty of commissioners respecting tenants' claims.

435. The said expropriation commissioners shall also hear and examine any claims of tenants pretending to be affected by such expropriation proceedings, and shall report and make awards thereon in accordance with the limitations and requirements set forth in the foregoing articles.

Costs of expropriation.

436. No fees for witnesses, stenographers, advocates or counsel for any proceedings before the commissioners shall be payable by the city.

The commissioners who are not city officers shall be entitled to fees as follows:

For appraising vacant immoveable property, hearing witnesses, and making award: for each immoveable \$10 00

For appraising immoveable property containing buildings, hearing witnesses, and making award:

for each immoveable..... \$15 00

For appraising tenants' claims: for each award..... \$10 00

437. No indemnity or damage shall be allowed for any building, structure or improvement made upon any immoveable after notice has been given in the council of the resolution for the purpose of such expropriation, provided that such be followed by proceedings in expropriation within the year.

No indemnity recoverable for buildings erected after notice of expropriation.

438. So soon as the commissioners have completed and signed their report in accordance with the foregoing provisions, they shall deposit the same in the office of the city-clerk, who shall forthwith give public notice thereof, and of the day on which such report will be submitted to the superior court, or to one of the judges thereof, as the case may be, for confirmation or homologation; and such report shall not be submitted before the expiration of ten days at least from the first publication of such notice.

Deposit of report of commissioners and notice.

439. On the day specified in such notice, the city shall submit to the superior court, or to one of the judges thereof, the report of the commissioners for confirmation and homologation; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the said report; and such order thereon shall be final as regards all parties interested, and shall not be subject to any appeal.

Homologation of report.

440. Within sixty days after the homologation of the report of the commissioners, the city council shall pass a by-law which shall make provision for the means by which the cost of the said expropriation will be defrayed; and if there are no funds at the disposal of the city for that purpose, the council shall provide for the payment of the cost of such expropriation and of the indemnities by means of a loan, which they are authorized to make therefor; but such loan shall only be made in accordance with the terms of a by-law which shall be previously passed and adopted according to the formalities required for by-laws of the city.

Loan to pay indemnity ordered by by-law.

The by-law shall mention the purpose for which the money is borrowed, the period, manner and place at which it will be repaid, and shall impose a special tax, to be levied upon all the assessable real and immoveable property within the city sufficient to provide for the interest of the said loan, and a sinking fund which shall be sufficient to extinguish the amount of the capital thereof at the expiration of the period of the loan which shall not in any case exceed forty years.

Contents of by-law.

Should the council fail to make provision for the cost of such expropriation as herein required within the period of sixty days, the interested parties shall have recourse against

Recourse of interested parties, if city neglects to

provide for
payment of
indemnity.

the city for damages and such other legal remedies as are by law allowed.

Deposit of in-
demnity after
passing of by-
law.

441. Within thirty days from the passing of such by-law, the city shall deposit in the hands of the prothonotary of the superior court the amount of the price or compensation, as established by the report of the commissioners and adopted by the council, for the immoveable properties which are to be acquired by the city under such expropriation proceedings, of which deposit the prothonotary shall grant an acknowledgement in writing.

Effect of de-
posit.

Such deposit and acknowledgment shall constitute on behalf of the city a legal title to the property in each of the immoveables expropriated, and thenceforth all proprietors of or other persons interested in such immoveable properties shall be divested of all rights and claims thereto, and the city shall be vested with such immoveables and may of right and without any other formality enter into possession of and use the same for any purposes authorized in and by this charter.

Expropria-
tion purges
hypothees,
&c.

442. Any expropriation made in virtue of this charter shall have the effect of canceling all mortgages, privileges and encumbrances whatsoever with which such immoveables may be charged; but the price or compensation deposited in the hands of the prothonotary as aforesaid, shall be held to represent such immoveables as regards such mortgages, privileges or encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the moneys deposited conformably to this charter.

Parties hold-
ing property
in trust may
sell to city,
&c.

443. Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of, or interested in any immoveable, subject to expropriation, may (not only for themselves, but for and on behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, femmes covert or other persons,) contract for, sell and convey such immoveable to the city.

Validity of
such sales,
&c.

Such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever.

Personal in-
responsibility
for such sales,
&c.

All corporations and persons contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without however diminishing, in any manner whatsoever, the responsibility of such corporations or persons towards those whom they represent as regards the purchase money or compensation of such sales or conveyances.

In such case, the price shall not be paid to the vendor, until the authority of the court or judge shall have been obtained for such payment ; and if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility, in respect of such price, by paying the same into the hands of the prothonotary of the superior court for the benefit of whom it may concern.

Authoriza-
tion of court
required be-
fore payment
of price.

444. When the money is deposited in the hands of the prothonotary as aforesaid, the superior court, or any of the judges thereof during the vacation and out of term, shall determine the mode of calling in the creditors of the party entitled to such money or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested ; provided always that, when the price or compensation and damages are paid to the expropriated party himself, the amount so paid shall not be subject to the tax imposed by and in virtue of the act 12 Victoria, chapter 112 ; (See Revised Statutes of the Province of Quebec, articles 2749, 2751 and 2755,) nor to the commission which the prothonotary of the superior court is entitled to receive, nor to any other tax or commission.

Distribution
of moneys.

Proviso.

If, however, the amount of indemnity does not exceed \$100.00, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party.

Procedure, if
indemnity
does not ex-
ceed \$100.

445. The deposits mentioned in the preceding article shall be judicial deposits within the meaning of section nineteen of chapter five of title four of the Revised Statutes, (Articles 1192 and following.)

Deposits are
judicial de-
posits.

§ 2.—*Expropriation for Local Improvements*

446. The council may decide that any street or portion of a street may be widened or extended, new streets be opened or a square or other open space created or enlarged, upon a petition to that effect signed and presented to the council by proprietors representing the majority in number and value, according to the then existing assessment roll of the city, of the properties bordering on the portion of the street proposed to be widened, or on the prolongation or extension thereof, or on the new street or square, as the case may be.

Power of
council to
order certain
improve-
ments upon
petition of
proprietors.

447. Such petition shall set forth the nature of the improvement asked for, the description of the properties

Contents of
petition.

bordering on such proposed improvements and the average assessed values thereof for the four preceding years, and the amount which the said proprietors, whose property is to be expropriated for improvements, are willing to accept therefor.

Appointment
of commis-
sioners to fix
indemnity.

448. Upon such petition, the council of the city may, in its discretion, proceed by resolution, in accordance with the provisions of this section, to appoint commissioners to establish the value of the immoveables to be expropriated, the proprietors whereof have not joined in the petition aforesaid. There shall be paid to the proprietors who have signed the petition only the amount which they have fixed in their petition, and this amount is determined by the expropriation commissioners.

Basis of valuation.

The expropriation commissioners shall also, in accordance with the terms and provisions in this section set forth, determine the damages, if any, due to tenants of the properties to be expropriated, and shall make a report thereon, which shall be deposited and confirmed and homologated in the manner provided by articles 438 and 439.

Deposit of report of commissioners.

449. The commissioners shall, upon the completion of their report, deposit the same in the office of the city-clerk, and the provisions of articles 438, 439, 440 and 441 shall apply to the proceedings held in accordance with the preceding articles.

Payment of cost by proprietors bordering on street.

450. The cost of such expropriation shall be borne exclusively by the proprietors whose lands border upon such portion of a street, the widening whereof is provided for by such expropriation, or such new street, prolongation of street or square, as the case may be.

Apportionment of cost.

The cost shall be distributed upon such proprietors by means of a roll which shall be prepared by the city-surveyor.

Basis of apportionment

By such roll, the cost of such expropriation is apportioned amongst the proprietors aforesaid in proportion to the frontage of their immoveables, irrespective of any buildings which may be thereon erected.

Notice of examination of roll by city-surveyor.

The city-surveyor shall give public notice of a day when the contributors charged may examine such apportionment and state to him their objections thereto before the same be completed and put in force; such notice to be given by registered letter mailed to each of the contributors and by public notice to be published during the period of ten days in one French and one English newspaper.

Decision of city-inspector.

He shall hear and determine such objections as may be made in a summary manner, from which there shall be no appeal.

The amount due under such apportionment shall be collected from the proprietors owning such real estate, and shall be recoverable in the same manner as other taxes and assessments.

Recovery of apportionment.

451. The amount of indemnity to be paid to the proprietor whose property is expropriated in accordance with the provisions of this section shall not be payable until the same shall have been recovered by the city from the proprietors liable to pay therefor.

When indemnity is payable.

No interest shall be paid by the city to any proprietors or tenants indemnified, unless and until the cost of the expropriation has been collected by it.

Interest on indemnity.

452. Every year, at such period as the council shall fix by by-law or resolution, any proprietor of an immoveable, who has erected permanent buildings on the new homologated line or whose whole land has been taken by the new line, may have the portion of land between the two lines expropriated by ceding to the city the said portion of land, of which the city-surveyor shall be bound to make a plan.

Expropriation of property if built upon a new homologated alignment.

Two of the city-assessors shall then be appointed by the mayor to value the portion ceded to the city. They shall value it at the average price at which the property has been assessed for three years previous to their valuation, and shall report in writing to the council their decision.

City-assessors to value and report.

On the confirmation of their report by the council, it shall be referred to the city-surveyor, with instructions to apportion the cost of the land in question, upon the owners of immoveables on each side of the street according to frontage, in equal proportions.

Apportionment of cost by city-surveyor.

The roll of apportionment when certified by the city-surveyor and fyled with the city-treasurer shall be equivalent to and have the same force and effect as a final roll of special assessment, and the amounts therein shall thereupon become due and payable without further delay.

When apportionment may be collected.

The proprietor shall not be paid before the money has been collected by the city-treasurer, and shall not be entitled to any interest, provided he is paid within three years from the coming into force of the assessment roll.

When proprietor to be paid.

§ 3.—Assessments for Sidewalks, Drains and Sewers

453. It shall be lawful for the council to order, by resolution, the construction of sidewalks made of any durable and permanent materials, other than wood, in any street, square or place in the city, and that the cost of such construction be defrayed out of the city funds, to an extent not exceeding one-half of such cost, and the remainder thereof to be apportioned upon the land situated on the

Construction of sidewalks in permanent materials and payment of the cost by means of an apportionment.

side of such street, square or place on which such sidewalk is constructed.

Basis of apportionment.

Such apportionment shall be made in proportion to the frontage of such land; provided that no such resolution shall be adopted until after the cost of such construction shall be established by a report to be made to the council by the city-surveyor, and provided also that a notice specifying the nature and cost of such construction be sent by registered mail to each of the proprietors liable to contribute as their names may appear on the then existing assessment and valuation roll.

Right of majority of proprietors of lands subject thereto to object to construction.

If the majority in number and in value of the proprietors of the lands subject to contribution for the construction of a sidewalk, shall, within fifteen days after the date of such notice, file, with the city-surveyor, an objection in writing to such construction, he shall report accordingly to the council, and in such case the said sidewalk shall not be made.

By whom and how apportionment is made.
Application of article 450.

454. The apportionment of the costs of construction of a permanent sidewalk as aforesaid shall be made by the city-surveyor in accordance with the terms of article 450.

The provisions of the said article shall also apply to the assessment in cases of construction of drains made under and by virtue of any by-law authorized in accordance with the provisions of this charter.

§ 4.—*Pavements*

When streets are to be paved and how to be paid for.

455. No paving of any street, lane or highway shall be laid or constructed, unless asked for by the majority of the proprietors in number and value, whose properties abut thereon; and the cost of such paving shall be paid as follows:—One-half by the city, and the other half by all the proprietors whose properties abut on the street, lane or highway so paved; subject, however, to the provisions contained in articles 453 and 454; but the council may, by vote of two-thirds of its members, decide to pave any street or highway in the manner it may judge proper, and to pay for the same out of the revenues of the city in accordance with the provisions of this act.

§ 5.—*General Provisions*

Delays granted for payment of assessments for expropriations, &c.

456. Any by-law or resolution authorizing any expropriation under the provisions of any of the foregoing articles or the construction of sidewalks, drains or sewers, may provide that any assessment which may be proposed or required for the cost of the same, be distributed over a period of not more than ten years, and payable by annual instalments, with interest on the unpaid balance at a rate of six per cent. per annum.

457. If when this act comes into force or thereafter, there should exist any clerical error, omission or informality in any proceedings in expropriation, or in the making of any roll of assessment prepared for the cost of any improvement, whether such error, omission or informality be on the part of the commissioners or any of them, or of those who are by law entrusted with such proceedings, the superior court, or any judge thereof, may, upon a petition to that effect, permit, in its discretion, the rectification of such error, omission or informality, upon such conditions as to costs as the court or judge may order.

Amendment of clerical errors, &c., in proceedings in expropriation, &c.

458. When any report or award made by commissioners, under the provisions of this section, is annulled by competent authority, the city may cause a new report or award to be made by a board of commissioners constituted in conformity with article 429.

New report, &c., if first annulled.

All the provisions of this charter, with respect to the making and revision of any such award or report and to all matters incidental thereto, shall apply to such new report or award; provided always that proceedings for the making of any new report or award shall be commenced within six months from the date of annulment of the previous award.

Provisions applicable to new report, &c.

459. If any special assessment or apportionment made by the city-surveyor is annulled by competent authority, he shall make another assessment or apportionment for the same purpose in the manner hereinbefore provided; and the same, when completed and revised, shall have full force and effect.

New special assessment or apportionment, if first annulled.

460. Whenever a roll of assessment or apportionment for any street improvement shall be annulled and set aside, the payments made under the authority of the roll shall not thereby be invalidated; but such payments, with interest added, go to the discharge of the respective amounts to be fixed by the new assessment roll, subject to the city's right to compel the rate-payers to make good any deficiency and of the rate-payer to recover any surplus, according to the difference that may eventually exist between the old and the new roll of assessment.

Payments under annulled roll for street improvements.

The present provision shall apply as well to special assessment rolls heretofore made as to those which may be made hereafter.

Application of this provision.

§ 6.—*Expropriation of Public Franchises*

461. If, when any municipal franchise expires by limitation of time, or when any franchise or right to use the streets of the city is not exercised during a period of five years after the same has been acquired by any corporation

Power to expropriate public franchises in certain cases.

or individual, it is deemed advisable by the council that the city should own and administer any or all such municipal franchises, rights and privileges for the heating or lighting of the city or any of the buildings therein by gas, electricity or other agencies, or for the use of the streets, lanes, or highways of the city for railway, traction, conduits, telegraphic, telephonic, or any other purposes whatsoever, the said franchise, rights and privileges, no matter by whom they may be possessed, owned or controlled, the council may acquire the same by purchase or other agreement; and, if they are not acquired by purchase or agreement, they may be acquired by expropriation, either after, or without any step or proceeding being taken, towards any acquisition by agreement.

SECTION XXI

WATER-WORKS

Construction
of water-
works by city
and powers
for that pur-
pose.

462. The city may construct, and maintain in and beyond the city for a distance of thirty miles, water-works, together with all appurtenances and accessories necessary to introduce, and convey throughout the city and parts adjacent, a sufficient quantity of good and wholesome water, for the use and supply of the inhabitants of Montreal and parts thereto adjacent; improve, alter or remove the said water-works, or any part thereof; change the site of the hydraulic wheels, engines or source of supply thereof; and construct and maintain all buildings, wheels, engines, reservoirs, basins and other works necessary to convey water to the city and parts adjacent thereto.

Acquisition of
land, &c.

463. For the said purposes, the city may acquire and hold any land, servitude, or usufruct, in the city or within a circuit of thirty miles from the city limits; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works, either to buildings or lands; enter into contracts with any person for the construction of the said water-works in whole or in part; and direct the works when completed; enter, during the day-time, upon the lands of private individuals for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, or other materials, upon paying or offering a reasonable compensation for such materials, and by conforming in all things to the provisions hereinafter made.

Expropria-
tion.

464. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for water-works or for any of the purposes mentioned in the preceding article, either within or

without the city limits, or for the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner provided by this charter with respect to expropriations generally.

465. The city may enter upon any land or property, City may enter upon land. street, lane or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

466. No action or suit shall lie against the city for damages resulting from the exercise of the powers conferred upon it by the four preceding articles, unless such action or suit shall be instituted within six months next after the act complained of. Right of action for damages prescribed.

467. If any person obstructs or prevents the city, or any person in its employ, from doing any of the said works, or from exercising any of the powers and rights hereinbefore granted, or embarrasses or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person shall be liable, in addition to the penalty imposed in virtue of any by-law of the city, to the damages that the city may suffer from any such act. Penalty for obstructing, &c., works.

Such damages, with costs, shall be recovered by complaint or suit before the courts having jurisdiction in the matter. How recovered.

468. The council shall have full power to make by-laws for the following purposes : By-laws:

1. To prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed upon, or from wasting it ; To prohibit occupant of house from supplying water to others, &c. ;
2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city ; To prescribe size and quality of pipes, &c. ;
3. To regulate and establish, by a tariff, the rate for water, the time and mode of payment thereof, and the manner in which the same may be imposed and levied ; to provide for hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; to fix the amount to be paid therefor and the manner in which the same may be paid ; To fix tariff of rates, &c. ;
4. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the city, with regard to the supply of water from the water-works ; To prevent pollution of water, &c. ;

To provide for payment of water-rate by instalments, &c. ;

To provide for payment of interest on rate, &c. ;
General management.

5. To provide that the water-rate shall be due and payable by instalments after the coming into force of the assessment rolls each year, and within such delays as it shall deem proper to fix ;

6. To provide that the legal rate of interest upon the arrears of water-rate shall only be due at the expiration of such said delays respectively ;

7. To provide for any other matter, or thing of any nature or kind whatsoever, having reference to the water-works, which it may be necessary to direct, regulate or determine for the proper working of such water-works.

Notice when city is ready to furnish water.

469. As soon as the city is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given ; and, after such notice, all persons liable to the payment of water-rate in such part of the city, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

Cost of introduction of water into houses and description of pipes.

470. The introduction of the water into houses or other buildings shall be performed by and at the expense of the city ; but the distribution of the water throughout such houses or buildings, after being thus introduced into them, shall be made by and at the expense of the proprietors or occupants.

Where house, &c., at a distance from line of street.

In all cases where such house or building stands at a distance from the line of the street, the city shall lay the distribution pipe to the line of the street and shall have the right to exact payment of the water-rate from the proprietor, although the latter may refuse or neglect to connect such pipe with such house or building.

If proprietor refuses to make distribution.

471. If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rate from the tenant, then such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease.

Water supply may be cut off in certain cases.

472. If any person causes or allows any water-pipe, valve, cock, cistern, water-closet, bath or other apparatus to be out of repair, or to be so used or contrived that the water supplied from the water-works, be wasted, or unduly consumed ; or if he refuses or neglects to pay the rate lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the city may cut off the water and discontinue the supply so long as the cause of complaint is not removed ; which shall not, however, exempt such person from the payment of such rate, as if the water had been supplied to him without interruption.

473. The city may make a special agreement with consumers for the supply of water, in special cases where it is considered that there is more than the ordinary consumption of water. Special agreements in certain cases.

474. In all cases where a dwelling house or other building is tenanted by two or more tenants, subtenants or families, the city may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, subtenant or family, occupying separate apartments, so that the city may, at all times have control over the supply of water furnished to each such tenant, subtenant or family, as is practised in cases of single tenanted houses; and if the proprietor, after being notified in writing to that effect by the superintendent of the water-works, refuses or neglects to comply with the requirements of this article, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; such liability, on the part of the proprietor shall continue so long as he does not comply with the requirements aforesaid. Separate pipes for each tenant. Obligation of proprietor.

475. Such liability shall apply to any proprietor of a row of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid; such liability also applies to the proprietor in all cases where the number of tenants, subtenants or families in a dwelling house, is such that it is impossible to provide a separate service pipe for each of them; and it shall be lawful for the city, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, subtenant or family. Liability of proprietor of rows of houses, &c.

SECTION XXII

RECORDER'S COURT

§ 1.—*Constitution of the court*

476. There shall be two recorders for the city of Montreal. Two recorders for city.

There shall be a court of record, to be called the "Recorder's Court," over which one of the two recorders shall preside. Recorder's court.

The said court may, in the discretion of the recorders, be held in two separate divisions, over each of which one of the said recorders may preside. The said court shall have its sittings in the city-hall, or in such other place as may be at any time set apart for the purpose by the council. Who presides, &c. Where held.

The said court shall have an official seal. Seal.

Appointment
of recorders.

477. The Lieutenant-Governor in council, by special commission under the seal of the Province, appoints the recorders, whom he selects from among the members of the Bar of the Province, who shall have practised as such for at least ten years, to be the recorders of the said court.

Term of office
and how re-
moved.

The recorders shall hold office during good behaviour, and their commissions as such shall not be revoked, except upon a joint address to the Lieutenant-Governor in council passed by the Legislative Council and Legislative Assembly.

Salary of se-
nior recorder.

The salary of the senior recorder, as well as of the person replacing him, shall be \$4,000 per annum.

Salary of
other record-
er.

The salary of the other recorder shall be \$3,000 per annum, with an annual increase of \$200 until it reaches \$4,000.

Pensioning of
recorder.

If a recorder of the city, after fifteen years service, should resign his office, or become affected with any permanent infirmity preventing him from discharging the duties of his office, the said city shall grant him a pension equal to two-thirds of the salary attached to the office held by him at the time of his retirement; and such pension, which shall begin immediately upon his retirement, shall be paid to him during his life-time, and shall be exempt from seizure or attachment.

Application
of this pro-
vision.

The provisions of this article shall apply to any recorder holding office at the time of the coming into force of this charter.

Clerk of re-
corder's
court, &c.

478. The clerk of the recorder's court shall be appointed by the council; he shall be a member of the bar of the Province of Quebec, and shall be *ex officio* a justice of the peace in and for the district of Montreal.

He shall be the custodian of the official seal of the said court.

Duties of
clerk.

479. The clerk shall prepare and make all writs, warrants or orders whatsoever that may be issued by the said court or by the recorder.

He shall conduct all cases and suits cognizable by the said court or the recorder, except in cases where the city or parties to suits shall deem it expedient to be represented by an advocate of their own selection.

Oath of office
of clerk and
assistant.

480. The clerk and his assistants shall take oath of office before the recorder for the faithful performance of their duties; and the said oath shall be written in the document appointing such clerk or his assistants, and shall be subscribed to by them.

In case of
clerk's death.

481. In the event of the death of the clerk, the recorder shall appoint one of the assistant-clerks to act as clerk until another clerk is appointed by the council.

482. The recorder, with the approval of the council, may, from time to time, appoint as many bailiffs of the recorder's court as he may deem expedient and may, with the same approval, dismiss them. Bailiffs of recorder's court.

The bailiffs so appointed shall take oath before the recorder, for the faithful performance of the duties of their office and shall be officers of the said court. Oath.

The recorder shall also have the right to invoke the services of the constables of the city in the interests of justice. Service of constables.

§ 2.—Jurisdiction

483. Each recorder is *ex-officio* a justice of the peace in and for the district of Montreal, and is vested with all the rights, powers, and authority of the recorder's court, and of one or two justices of the peace with jurisdiction throughout the Province of Quebec, granted to certain justices of the peace by article 2572 of the Revised Statutes of the Province of Quebec. Powers of recorders.

One of them may at the discretion of the council, be a member of any committee appointed to revise and consolidate the charter of the city of Montreal. May be member of revision committee.

484. The recorder's court has the jurisdiction of a recorder and shall hear and try summarily: Jurisdiction of recorder's court:

1. Any action brought in virtue of any by-law or resolution of the council for the recovery of any sum of money due to the city for any assessment, license, tax, or water-rate or for the rent of any butcher's stall or other stall or stand, in or upon any the markets, or outside the same; Actions for recovery of sums due for assessments, &c. ;

2. Any action for the recovery of wages or salary arising from the lease and hire of work or for the recovery of damages resulting therefrom or for moneys due hotels, restaurants or boarding-houses by their guests, or for the value of goods therein deposited and therein lost or damaged, provided that in no case shall the amount claimed exceed \$50; Actions for recovery of wages, &c.

3. Any action for the enforcement of any by-law. Actions under by-laws.

485. The recorder's court has concurrent jurisdiction with the circuit court, or with any judge of the superior court, in matters between lessors and lessees, and has, to that end, all necessary powers and authority, including that of issuing writs of summons, execution and possession, and of fixing and determining the costs to be paid by the losing party, which costs, however, shall not include any attorney's fees; provided, always, that the jurisdiction of the recorder's court shall be limited to cases where the amount claimed shall not exceed \$50, and where the con- Concurrent jurisdiction in actions between lessors and lessees. Proviso.

sideration or annual value of the immoveables occupied shall not exceed the sum of \$100, and that the said immoveables are situated in the city.

Writ of possession.

486. After judgment ordering the eviction of a tenant in virtue of the next preceding article, the plaintiff may, after the expiration of three days from the service of such judgment on the tenant, obtain from the recorder's court a warrant or writ of possession which shall be executed by a bailiff of the superior court or recorder's court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect.

May take cognizance of certain offences.

487. The recorder's court may hear and try summarily all offences mentioned in section 32 of the act 23 Victoria, chapter 72, as well as in articles 2783 to 2795, both inclusive, of the Revised Statutes of the Province of Quebec; and article 2782 of the said Revised Statutes shall apply to the recorder *mutatis mutandis*.

Fines under charter and by-laws.

The said court shall also have jurisdiction in all suits for the recovery or imposition of any fine or penalty resulting from any infraction of this charter or of any by-law of the city.

§ 3 — Procedure

Court when held.

488. The recorder's court may be held every day, and as many times as may be necessary, and it may fix any time for the trial of cases and the rendering of judgments within its jurisdiction.

Hearing of special cases.

The recorder may set apart a room where special cases may be heard and disposed of.

Application of chapter LXIII of Code of Civil Procedure.

489. The articles contained in chapter LXIII of the Code of Civil Procedure, which are not inconsistent with this charter, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the recorder's court, in civil matters.

Proceedings in cases to be registered.

490. The clerk shall register daily, in a succinct manner, the proceedings had in each case or complaint brought before the court.

Record of proceedings.

It shall not be necessary for the clerk to enter at full length the procedure, judgments and convictions of the court, but a register shall be kept by him, wherein shall be set forth the name of the defendant, the nature of the debt or of the offence, the judgment, and the date thereof;

Notes on original summons sufficient record.

The notes of the procedure endorsed on the original summons or complaint shall be sufficient record thereof.

Form of writs, &c.

491. Every summons, order, writ or warrant of any nature whatsoever, issued by the court, shall be in the name of Her Majesty, Her heirs or successors; they shall be signed by the recorder, by the clerk of the court, or by one of the assistant clerks.

492. It shall be lawful for any constable, officer of the peace or bailiff of the recorder's court, to arrest on view any person contravening any law or by-law of the said city, or, immediately after the commission of such offence, upon reliable and sufficient information as to the nature of the offence and also as to the persons who committed the same.

Power of constables to arrest on view, &c.

493. In cases tried for drunkenness or where a person is arrested on view by a police officer or constable, for any violation of the provisions contained in articles 2783 to 2795, inclusive, of the Revised Statutes of the Province of Quebec, or in section 32 of the act 23 Victoria, chapter 72, or of the provisions of this act or of any by-law of the council, it is not necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the recorder's court by the constable who has arrested such person, shall be deemed a sufficient complaint; however, if the accused demands that the complaint be reduced to writing, the court shall direct the clerk to do so.

Complaints for certain offences need not be in writing, &c.

Proviso.

In the case of habitual and incorrigible drunkards, the recorder in his discretion may sentence them to an imprisonment for a term of not less than six months nor more than one year.

Sentence of imprisonment for habitual drunkards.

494. Whenever any person is accused of an offence against the provisions of any law, or of any by-law of the council, and such person has not been apprehended on view, he may be summoned by a writ to appear before the said court, to answer the complaint, which shall be clearly and explicitly set forth in the writ; such writ shall be served upon the defendant by any bailiff or constable; provided always that, in all cases of offences for the commission whereof a fine or imprisonment is imposed under any such law or by-law, it shall be lawful to proceed against the defendant, either by writ, as aforesaid, or by warrant of arrest issued by the recorder upon affidavit made before him.

Proceedings against persons infringing by-laws, &c.

Service of writ.

Proviso.

495. It shall be lawful for any officer in charge of a police station before whom a prisoner arrested on view is brought, or with the authorization of the magistrate who signed the warrant, if such prisoner is apprehended by warrant, to permit such prisoner to enter into a bond, with or without bail, or with a deposit, according to the gravity of the offence, whereby he shall oblige himself to appear within two days before the recorder's court or before the recorder.

Release on bail, &c.

Condition of bail.

In default thereof, the bail shall be forfeited and the deposit confiscated for the benefit of the city, and the recorder may order the arrest of such accused.

Default to appear.

Service how effected. **496.** The service of any document issued by the recorder's court or by the recorder shall be made by delivering a copy or duplicate thereof to the defendant or accused personally, or at his domicile to a reasonable person of his family, or at his place of business to any of his employees in charge thereof.

Recorder may prescribe manner of service. If such service cannot be so made, the recorder may order, upon a report to that effect from the officer entrusted with the same, that it be made in some other manner, at his discretion.

Return of service by bailiff. **497.** Every bailiff, being bearer of a writ or document to be served, issued by the recorder's court, shall make a return, under his oath of office, of all proceedings had by him in relation to such writ or document, and such return shall be sufficient proof of such proceedings for all legal purposes.

Service by bailiff of superior court. **498.** Returns as to the due service of any writ or document, issued as aforesaid, from the recorder's court, may also be made by any bailiff of the superior court; and in all cases so issued from the recorder's court, any such bailiff in the superior court shall have *ex officio* full power and authority to fulfil the duties of a bailiff of the recorder's court, in the same manner as if specially appointed by the recorder for that purpose.

Proof of service in open court by officer effecting same. **499.** The service of any summons or of any other document in cases of prosecutions, as aforesaid, may be proved in open court by the bailiff, constable or peace officer who shall have made such service.

Proof before the court. **500.** In all suits brought before the recorder's court, for the recovery of any sum of money or fine, or the imposition of any penalty, proof may be by legal presumption, by writing, or by testimony. It shall not be necessary to reduce the testimony to writing.

Order in court, &c. **501.** The president of the court shall cause order to be maintained during the sittings of the said court, and he may also cause to be removed therefrom any person not interested in the proceedings, and may punish, by fine or imprisonment, any person guilty of contempt of court.

Delay in civil actions between service and day of return. **502.** In any civil action brought before the said court, including attachments before or after judgment, there shall be an interval of two clear days at least between the service of the writ of summons and the day of its return into court.

If the person so summoned does not appear, default may be entered against him, and upon proof made, the court shall render judgment. Proceedings by default.

If he appears, he must plead to the action within twenty-four hours and his plea shall be entered or filed. Proceedings after appearance.

On the following juridical day or on that fixed by the court, the parties shall proceed to proof and hearing, and judgment shall thereupon be rendered with due diligence. Proof and hearing.

The court may grant a delay of not more than two months to any defendant who is condemned or confesses judgment. Delay upon confession of judgment, &c.

503. In all prosecutions instituted before the recorder's court or before the recorder, other than civil actions, the provisions of part LVIII of the Criminal Code, 1892, respecting summary proceedings before magistrates, shall apply to the recorder's court and to the recorder, as regards the mode of procedure on such prosecutions to final conviction or judgment, the execution and carrying out of such conviction or judgment, and generally as to all rules imposed upon magistrates for such object, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation thereto. Provisions applicable in penal cases.

The several forms contained in the said code may be varied in so far as it may be necessary to render them applicable to the said court. Forms.

504. The court has power to compel witnesses to appear in any action, prosecution or complaint pending before it, and to answer all legal questions put to them, in accordance with the provisions of the Code of Civil Procedure. Summoning of witnesses.

505. The said court has power to impose coercive imprisonment in accordance with articles 834 to 837 of the Code of Civil Procedure. Coercive imprisonment.

506. In all cases, the recorder's court may use its discretion in awarding or withholding costs, or in ordering the complainant, the plaintiff or the defendant to pay their own costs or those of the opposite party, and in certain cases may award damages, not exceeding \$25, when such damages shall appear to have been suffered by reason of the matters and things complained of. Discretion of court as to costs and as to damages in certain cases.

507. The execution of any judgment rendered in any civil action, as above-mentioned, shall be levied by seizure and sale of the goods and chattels of the defendant. Execution.

No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered. When issued.

Seizure and
sale there-
under.

508. The bailiff, entrusted with the writ of execution, shall proceed to the seizure and sale of such goods and chattels, in the manner prescribed by the Code of Civil Procedure.

Saisie-arrest.

509. The court may issue writs of *saisie-arrest* before and after judgment, in the same manner as other courts of civil jurisdiction, and shall observe in relation thereto, the rules and procedure prescribed by the Code of Civil Procedure, as regards the issuing of the writ, the return and judgment in matters of *saisie-arrest*.

Deposit on
saisie arrêt in
hands of the
city.

510. In cases of *saisie-arrest* issued in the hands of the city, it shall be lawful for the city-treasurer to deposit in the office of the court from whence such *saisie-arrest* has issued, the sum of money which he may have in his custody belonging or owing to the defendant, in order that such sum may be paid to whom it may appertain, as the court may order.

Certain alle-
gation dis-
pensated with
in suits.

511. In any suit, action or prosecution brought before the recorder's court, it is not necessary to specify or recite the statute or by-law under which such suit, action or prosecution is taken; but it is sufficient to state that it is in virtue of the statute or by-law in that behalf made.

Tariff of fees.

512. The recorder may, with the approval of the council, make and settle the tariff of fees in all cases cognizable by and within the jurisdiction of the recorder's court, and change the same, from time to time, subject to the approval of the council.

Liability of
joint owners,
&c.

513. Any joint partner in, and joint-owner or occupier of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the city, bearing upon such joint partner in, joint owner or occupier of the said lot, house, building or other immoveable in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence, may be sued alone, or conjointly with his joint partners, joint owners or joint occupiers, in the recorder's court, as may be deemed advisable, as also any agent of the said firm, joint owner or occupier.

What is suf-
ficient in suit
in such case.

In the suit to be instituted, it is sufficient to mention the name of such joint partner, owner, or occupier, or of such agent, with the addition of the words "and others," and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, is sufficient.

Whom may sue.

514. Saving when otherwise prescribed by this charter, any action for the recovery of any fine or the imposition of any penalty may be instituted, either by the city or by a private person in his own name.

515. The recovery of any fine, or of any costs, even subsequent to the conviction or order, or damages imposed by the recorder's court, shall be enforced in accordance with the act or the by-law imposing the same; but if the act or by-law does not specify any mode of procedure in respect thereof, such recovery shall be enforced by imprisonment for a term not exceeding two months, unless the said fine, costs as aforesaid, and damages be paid before the expiration of the term of imprisonment; and the writs shall be issued in the manner above-mentioned. How recovery of fines is enforced.

516. In all cases in which a fine has been incurred by a corporation, association, or society recognized by the law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association, or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters. Recovery of fines against corporations, &c.

517. All fines sued for and recovered in the recorder's court, under this act or any other act or statute, or by-law, now in force or to be hereafter passed, shall belong to the city and form part of its general fund, notwithstanding any law to the contrary. To whom fines belong.

518. To the council alone appertains the right to remit the whole or part of any fine belonging to the city, or the costs of the suit in connection with the recovery of the said fine. Remission of fines.

Such remission is made in each case by a simple resolution adopted by the majority of the council, on petition to that effect, presented to the council by the person liable for such fine, and not otherwise. How made.

519. Whenever, in this or any other act, or in any by-law, imprisonment is imposed, such imprisonment is presumed and deemed to be in the common gaol of the district of Montreal. Where imprisonment, &c., to be.

520. In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the date, the christian name or surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may, at any time before judgment, upon request to that effect made by an interested party, direct the amending of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party requires it for the ends of justice. Variance between proof and allegation suits, &c.

Formal objections not allowed.

Proviso.

521. No objection founded upon form or upon the omission of any formality, shall be admitted in any action, suit or proceeding before the recorder's court or before the recorder, unless substantial injustice would be done by rejecting such objection.

Power of recorder in proceedings against persons reputed insane.

522. Whenever a person reputed insane, in the manner set forth in articles 3211 and 3212 of the Revised Statutes of the Province of Quebec, as enacted by the act 57 Victoria, chapter 33, sections 19 and 20, or any provisions that may replace the same, is brought before the recorder, the latter may send him to prison, according to form G of the said Statutes, or any form substituted therefor, or confide him to the care of any person for such period of time as may be necessary to make the enquiries required by article 3212 of the said Statutes, provided that such confinement, which may be renewed, shall not exceed eight consecutive days.

Domicile of persons sent to public institutions to be recorded.

Certificate.

Residence for certain term required to render city responsible for maintenance.

2. In all cases of persons sent to public institutions as aforesaid, the recorder shall ascertain if possible the domicile of such persons, and a special record shall be kept showing the name of the person and his or her domicile, and a certificate stating the name and domicile of such person shall be forwarded to the institution receiving such person. Residence of at least twelve months in the city shall be necessary in order that the cost of the maintenance of such person shall be chargeable to the city by the Province. In default of such residence, the municipality of the domicile of such person shall be responsible to the Provincial Government for the cost of such maintenance.

Power of recorder if person on trial before him is certified to be insane.

523. If, at the trial of a person charged before the recorder's court with an offence against the laws or by-laws, it is established by the certificate of a physician according to form C of article 3212 of the Revised Statutes of the Province of Quebec, and the schedule thereto, or any other form replacing the same, that such person is insane, the recorder may order that he be confined in prison or in an asylum, in accordance with form L of the Revised Statutes of the Province of Quebec, or any other form replacing the same, until such time as the pleasure of the Lieutenant-Governor is known.

Power of recorder respecting children brought before him to be sent to industrial school, &c.

Proviso.

524. Whenever a child, apparently from six to sixteen years old, is brought before the recorder to be sent to an industrial or reformatory school, the said recorder may confine such child in an industrial or reformatory school, or confide him to the care of a respectable person, for such period of time as may be sufficient to make inquiries about his character and to prepare the commitment papers, provided that such temporary confinement, which may be renewed, shall not exceed eight consecutive days.

525. Whenever a child, apparently less than sixteen years old, and having no parent and no one else to take proper care of him, is brought before the recorder, but cannot be sent to an industrial or reformatory school, the recorder may confine such child in any institution, or place him in apprenticeship or in domestic service, or confide him to the care of a respectable person, until he is eighteen years of age.

Power to apprentice certain children, &c.

526. The recorder may, upon satisfactory proof that a child, less than sixteen years of age, is without sufficient protection, cause such child to be brought before him and deal with him as aforesaid.

General power of recorder respecting certain children.

In these various cases, articles 3176, 3177, 3178, 3180 and 3181 of the Revised Statutes of the Province of Quebec shall apply to the recorder, in the same manner as to the superintendent of any industrial or reformatory school.

Application of certain articles of Revised Statutes to recorder.

527. All the powers and duties vested by law or this charter in the recorder's court or the recorder may and shall be exercised and performed by either recorder.

Concurrent jurisdiction of both recorders.

SECTION XXIII

MISCELLANEOUS PROVISIONS

528. The city-clerk and the city-treasurer may, respectively, affix their signatures to the certificates and to the notices which they are required to give under this charter by stamping such signatures thereon with a stamp to be used exclusively for that purpose after having been approved by the council. The signature, so affixed and stamped, shall be, to all intents and purposes, as valid as if in the handwriting of the clerk or treasurer.

City-clerk and city-treasurer may make use of stamped signatures.

Effect thereof.

529. The production of any document or instrument bearing such stamp shall be *prima facie* evidence of the authenticity thereof, and of the authority of the officer to affix the same; and, except the officers above referred to, all persons are prohibited from using the said stamped signatures, under the penalty that may be provided by any by-law in that behalf.

Production of such stamped document to be proof, &c.

Other officers not to use stamp.

530. No person, partnership, syndicate, company or corporation whatever, shall have or exercise any franchise, right or privilege in, over, upon or under any street, lane, public place or highway (including Mount Royal Park and St. Helen's Island Park.) for constructing or operating any street or incline railways—whether surface, elevated or

How right to use franchises on streets, &c., to be exercised.

underground—or for the establishment of telephonic, telegraphic, pneumatic or traction systems or for other like purposes, or for poles, wires, bridges, trestles, viaducts, cables, pipes, conduits or such like apparatus, unless by and in virtue of a by-law duly passed by the affirmative vote of the absolute majority of the members of the council, if such franchise, right or privilege be granted for a period not longer than five years, and of two-thirds of the council, if the same be granted for a period longer than five years, whether such franchise, right or privilege be exercised or is sought to be exercised under letters-patent.

Revocation
and suspen-
sion of licen-
ses.

531. The council may by by-law suspend or revoke any license granted under any of the provisions of this charter, by reason of misconduct, incompetency or violation of any by-law on the part of the licensee.

Power of
council to ap-
point com-
mittee to hold
inquiries.

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

Persons sum-
moned must
appear.

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

Penalty.

Every person so neglecting or refusing to appear, or refusing to produce papers or be examined as aforesaid, shall, on conviction thereof before the recorder's court, be subject to a fine, not exceeding \$40, for each offence, recoverable before the recorder upon complaint of any citizen.

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

533. When it is necessary that public notice be given in virtue of any of the provisions of this charter or of any of the statutes concerning the city, without any designation of the particular manner or form in which it is to be given, then such notice shall be given by advertisement in two issues of at least two newspapers published in the English language, and two newspapers published in the French language in the city. Public notices how given.

534. When any special notice is required to be given under this charter to any person, such notice may be served either at his residence or at his place of business in the city; if such person has no residence or place of business in the city, such person may signify in writing to the city-clerk his address outside the city; in which case, such notice may be served upon him by mailing the same, registered, to the address so given to the city-clerk. Special notices how served.

Persons who have no residence or place of business in the city, and who have failed to signify their address as aforesaid, shall not be entitled to such notice.

535. Any bailiff of the superior court or of the recorder's court may serve and post up any notification required by this charter, and make a valid return thereof under his oath of office. Serving, &c., of notices by bailiff.

536. If any person claims or pretends to have suffered bodily injury by any accident or casualty, for which he intends to claim damages or compensation from the city, he shall, within fifteen days from the date of such accident or casualty, give notice to the city through the city-clerk of such intention, containing the particulars of his claim, and stating his own domicile, failing which the city shall be relieved from any liability for any damages or compensation caused by such accident or casualty, notwithstanding any article or provision of law to the contrary; and, in case of any claim for damages to property, moveable or immovable, a similar notice shall also be given to the city through the city-clerk, but such notice must also be so given within eight days, failing which the city shall not be liable for any damages or compensation, notwithstanding any article or provision of law; but in all cases, no action for such damages or indemnity shall lie unless such action has been instituted within six months after the day the accident happened or right of action originated. Persons claiming damages for injuries bound to give notice.

No such action shall be instituted before the expiration of fifteen days from the date of the serving of such notice. Prescription of suits.

When action to be instituted.

Default of notice in certain cases no bar to action.

The default of such notice, however, shall not deprive the victims of such accident of their rights of action, if they prove that they were prevented from giving such notice by irresistible force, or for any other reason deemed valid by the court or judge.

Recourse by city in warranty.

The city shall have its recourse in warranty against any person whose fault or negligence occasioned the accident and damages arising therefrom.

Prescription of action of damages against city, &c., for offences, &c.

537. All actions, suits or claims against the city, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the cause of action originated, any article or provision of the law to the contrary notwithstanding.

Certain cemeteries may be converted into public squares, &c.

538. The city and the trustees of the Mount-Royal cemetery, upon acquiring, at any time hereafter, the grounds of the old Protestant and military cemeteries situated on Papineau road, may convert the same into a public square, and make all necessary arrangements, and determine the conditions upon which the said pieces of ground may become the property of the city.

Power and jurisdiction of city police force over "Exhibition Grounds," &c., during exhibition time.

539. The city police force shall have power, authority and jurisdiction, during exhibition time, over that piece of land adjoining the north-west limits of the city, used for the purposes of industrial and agricultural exhibitions, and commonly known as the "Exhibition Grounds," and over all streets, roads and property between the same and the city or adjacent to such exhibition grounds; and may arrest or cause to be arrested any person contravening the law or the provisions of any by-law of the municipalities where such grounds, streets, roads or properties are situated, or any law or statute concerning games or gambling or the sale of intoxicating drinks; and may proceed against such person before the proper tribunal.

Certificate required before special constable &c., may act in city, &c. Register of such constables, &c., to be kept, &c.

540. No person shall act as a special constable or detective within the limits of the city, without having first obtained a certificate of good character from the mayor, and being duly sworn as such before the mayor or the recorder.

A register of all such special constables or detectives shall be kept in the police department, and each such constable and detective shall be entitled to receive from the superintendent a certificate establishing that the formalities required by this article have been complied with. Such certificate shall be sufficient evidence of the authority of such special constables or detectives to act as such.

Value of certificate.

Each such constable or detective shall wear a badge to be supplied by the city at his own cost and expense. Badge for such officers.

541. The city may recover from any abattoir company situated in or in the vicinity of the city, in order to pay the salary of the health officers appointed by the council to inspect the cattle and other animals killed at any such abattoir, a sum not exceeding \$500 per annum for each abattoir operated by any such company. Abattoir companies to pay certain sum for salaries of health officers, &c.

542. The council may, by by-law, allow or prohibit the sale, within the limits of the city, of every animal intended for slaughtering, and may exact a duty on every such animal that shall be brought into the cattle-yard reserved, on behalf of the city, near the said abattoirs, as well as elsewhere within the limits of the city; which duty shall be levied in the same manner as any tax or assessment may be levied under this charter. Sale of animals for slaughter, &c.

543. When the council, in its discretion, may deem it expedient to cause privy-vaults or privies in the city to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract; provided such price does not exceed seven cents per cubic foot. Privy-vaults when emptied under contract.

Such contractor has the right to recover from the owner of premises the sum due under such contract, before the ordinary tribunals. Rights of contractor.

544. The power of the council to assess proprietors to defray the cost of the construction of a sewer in any street of the city may be exercised as to any sewer that may be ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health. Powers as to sewers in private lanes.

545. The city-treasurer may, in all cases of seizure by garnishment, delegate an employee of his office with necessary instructions to make a declaration in court. Declarations in cases of seizure by garnishment.

546. The city shall, in perpetuity, preserve and maintain the whole of Mount Royal Park, according to its present limits, as a public park, and the city council shall not have power to alienate any part or portion of said park for any special rights, privileges, or franchises thereon, nor shall the council permit the laying of any tracks, poles, wires or electrical apparatus, for steam, electric, or traction Mount Royal Park to be kept as a public park, &c.

purposes, by any person or corporation, notwithstanding any special powers of expropriation, or otherwise, granted by any general or special statute to the city of Montreal, or to any person, municipality or corporation whatsoever, save in so far as such special statute may expressly derogate from the provisions of this article.

Privileges of certain railway may be renewed however.

Nevertheless, the city shall have the right to renew the privileges now granted to the Mount Royal Park Incline Railway. The city shall, however, have the right to expropriate it in the manner hereinafter described in similar matters.

Certain uniforms not to be worn. Penalty.

547. No person or company shall wear or cause to be worn any costume or uniform similar to that of the city police or the city fire brigade; and every offender shall be liable to a penalty not exceeding \$20 for each offence, and shall also be liable to imprisonment for a period not exceeding three weeks for each offence, upon complaint before the recorder's court.

Damages occasioned by obstructions in streets.

548. All persons who shall, by means of any excavations in or obstructions upon any street of the city, not authorized by law or the by-laws of the city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages, not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against the city for such damages, unless such person or persons shall be joined as party defendants, if the plaintiff be so required by the city, which shall give the name, residence and quality of such persons.

Execution in the case of judgments in such cases.

549. In case of judgments against the defendants in virtue of the preceding article, execution shall at first issue only against the defendant in default and the city shall not be required to take steps to pay such judgment, including costs of execution against the defendant, until such execution shall be returned unsatisfied, or in the case of an opposition to or contestation of the seizure for reasons other than matters of form.

Recourse, if city pays amount of judgment.

If the city shall pay such judgment it shall become subrogated in the rights of the plaintiff therein, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

550. When any suit or action shall be commenced against the city, service therein shall be made upon the city-clerk, or at his office or domicile.

Service of suits, &c., against city.

551. No person shall, by reason of his being an inhabitant of the city, be incompetent as a judge, or juror in any proceeding or action in which the said city shall be a party.

Citizens not incompetent as judges, &c., by reason of residence.

552. The city shall not be required in taking any appeal or in suing out any writ or process, or in or about the prosecution of any action or proceedings, to enter into any bond or to give any security whatever.

City not bound to furnish security in any suit in appeal, &c.

553. Notwithstanding any law to the contrary, no judgment rendered against the city for a pecuniary condemnation only shall be executory before the expiration of thirty days after the date of the judgment.

Delay in execution of judgments against city.

554. Subject to the provisions of this charter, no contract or agreement for the performance of any work or service, or for the supply of goods or materials of any kind, involving the expenditure of \$500 or upwards, at one time or annually, shall be entered into or shall be made by any committee, unless tenders have been called for by public advertisements in the newspapers at least eight days prior to the giving out of such contract.

No contract to be awarded for \$500 or upwards, unless after tenders have been called.

555. The formalities in connection with such tenders shall be determined by the committee having jurisdiction.

Formalities of tenders.

Such tenders shall in all cases be addressed to the city-clerk and shall be publicly opened by him or the assistant city-clerk, in the presence of the interested parties, at the time and place specified in the notice calling for tenders, and not before.

To be addressed to city-clerk and publicly opened by him, &c.

No such contract or agreement shall be valid or binding unless ratified by the council upon report thereon from the committee having jurisdiction.

Ratification of contracts.

556. It shall be the duty of the comptroller to see that no indebtedness incurred during any fiscal year shall be charged to or paid out of the appropriations made for any subsequent fiscal year, unless the council, by an affirmative vote of the majority of its members, shall decide that any such indebtedness may be so charged and paid.

Comptroller to see that debts are not paid out of subsequent year's appropriations. Proviso.

557. The comptroller shall keep a special book in which shall be entered all communications which he shall transmit to the council, to committees or to heads of departments, and such book may be examined by the members of the council during office hours.

Book to be kept by comptroller for communications to council or committees, &c.

Penalty on persons, accepting, &c., money, &c., to assist any one in procuring employment from the city.

558. Any person, who, directly or indirectly, by himself or by any other person on his behalf, accepts, or who promises or agrees to accept, or who demands or solicits, from or on behalf of any applicant for a position in the municipal service, any money or valuable consideration in return for his vote, assistance, advice or influence, whether the latter be real or presumed, in order that the aforesaid person may obtain a position in the municipal service, shall, upon summary conviction before the recorder, be liable to a fine of \$40 and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

Penalty for accepting, &c., money, &c., to assist any employee in securing promotion.

559. Any person, who, directly or indirectly, by himself or by any other person on his behalf, accepts or promises or agrees to accept, or who solicits or demands from any civic employee, any money or valuable consideration in return for his vote, assistance, advice or influence, whether the latter be real or presumed, in order that said civic employee may receive promotion, preferment, advance in salary, bonus, extra pay, or any advantage or benefit of a similar character, shall, upon summary conviction before the recorder, be liable to a fine of \$40 and imprisonment not exceeding one month, and in case of conviction one-half of the fine shall be due and payable to the informer.

If offender a member of the council.

Should the person thus adjudged guilty be a member of the council, he shall in addition, *ipso facto*, lose his seat and become disqualified for five years.

If offender a civic employee.

Should the aforesaid person be a civic employee, he shall in addition be immediately discharged upon order of the mayor and become ineligible for re-engagement for ten years.

Penalty against persons seeking employment by city giving money, &c., to influence any one to secure the same.

560. Any applicant for a position in the municipal service, who, directly or indirectly, by himself, or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises, any money or valuable consideration in order to induce any person to obtain, or to assist in any manner whatsoever in obtaining for the aforesaid applicant any position in the municipal service, shall, upon summary conviction before the recorder, be liable to a fine of \$40 and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

Penalty against employee giving money to influence any one to secure his promotion.

561. Any employee in the service of the city, whether temporary or permanent, who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises, any money or valuable consideration in order to induce any person to obtain, or to assist in any manner whatsoever in obtaining

for the aforesaid civic employee any promotion, perferment, advance in salary, bonus, allowance for extra work, or any advantage or benefit of a similar character, shall, upon summary conviction before the recorder, be liable to a fine of \$40, and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

In addition to the above, he shall be forthwith dismissed by the mayor from the municipal service, and shall be ineligible for re-engagement in any capacity for ten years.

Dismissal of such employee.

562. The policemen or constables of the city shall, in the performance of their duties, have all the powers and authority conferred on constables or peace officers by the common law.

General powers of policemen, &c.

The city of Montreal shall appoint special constables, who shall be charged with the duty of seeing to the observance of the clauses of the agreement between it and the Montreal Street Railway Company, as well as of all the clauses of all the various acts governing the said company. The salary of such constables shall be paid by the city.

Special constables to enforce the carrying out of contract with the Montreal Street Railway Co.

563. All prisoners brought to the police stations, charged with the commission of any offence, shall be brought before the proper tribunal without delay to be dealt with according to law.

Persons confined in police stations.

564. Notwithstanding any law to the contrary, the city shall not be bound to contribute more than one-half of the cost of the opening and maintenance of a road during the winter on the St. Lawrence river to communicate with the town of Longueuil.

Cost of winter road to Longueuil.

SECTION XXIV

SPECIAL PROVISIONS

565. All acts, inconsistent with the provisions of this charter, are hereby repealed; but the repeal of such acts shall not be understood as affecting any matter or thing done, or required to be done, resolutions, decisions, orders or other proceedings of the council, debentures, notes, shares, or obligations issued, or by-laws made under and by virtue of such acts, or rolls of assessment or apportionment, or the rights and duties of civic officers or of the recorder in office, who shall continue to discharge the duties of their offices until they have been replaced according to the provisions of this charter; but such matters or things, debentures, notes, obligations, by-laws, rolls of assessment or apportion-

Repealing clause and effect thereof.

ment, and the sinking fund to be provided, shall continue to be regulated by such acts, until they shall be changed, altered, replaced or repealed by any proceedings adopted in virtue of this charter, in which case all such matters and things, resolutions, decisions, orders or proceedings, debentures, notes, obligations and by-laws and rolls of assessment or apportionment, shall be regulated and controlled by this charter.

Under whose supervision and how posts, &c., are to be placed in the city streets.

566. No person, company or corporation, exercising any franchise and having acquired rights, shall carry on any work in the streets in the city of Montreal, or place rails, wires, poles and conduits therein, without giving notice thereof to the city, and unless such works be carried on under the direction, in the manner and at the places indicated by the city-surveyor; and the city shall always have the right to oblige such persons or companies to place their wires underground, and the by-law shall be applied simultaneously to all companies.

Certain contract rights not affected, &c.

567. Nothing in this act contained shall be construed as allowing the city to violate any of its obligations undertaken by contract or as affecting or repealing any powers specially granted by statute to corporations or companies.

Coming into force.

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

SCHEDULE A

Debt of the city, including provisions for pending liabilities
to 1st January, 1899.

FUNDED DEBT.

Date of Issue.	Term.	Rate of Interest.	Date of Maturity.	Object.	Amount
1868	Permanent.	7 p.c.	.....	Water-Works.....	\$587,600
1876-9	25 years.	7 p.c.	1901-4	Annexations.....	50,000
1875-6	25 " "	6 p.c.	1900-2	Consolidation.....	432,420
1875-9	30 "	5 p.c.	1903-9	Water-Works.....	2,729,534
1881-96	40 "	4 p.c.	1921-32	General.....	11,936,867
1892	40 "	3½ p.c.	1933	Harbour.....	1,090,000
1888-99	Permanent.	3 p.c.	.....	General.....	7,000,000

Total of outstanding funded debt..... \$23,744,461

OTHER OBLIGATIONS.

Temporary bonds authorized by 60 and 61 Victoria.....	\$1,143,553
Bank of Montreal, advances.....	883,826
Bank of Montreal : Special advances to pay off over-expenditure of 1897-98.....	223,174
Harbour : Balance of \$1,000,000	652,406
Military School.....	25,000
Floating debt and engagements.....	\$ 815,915

LESS :

Cash on hand belonging to loan account to meet
part of said engagements.....

412,904

402,111

Unexpended balance of the revenue of 1897 to be
applied also to meet a portion of these engage-
ments.....

82,476

319,635

\$27,000,000

F O R M S

No. 1.

Form mentioned in article 35.

OATH OF MAYOR OR ALDERMAN.

I, A. B., having been elected mayor, (or alderman, as the case may be), of the city of Montreal, do swear (or affirm) that I will faithful and true allegiance bear to Her Majesty Queen Victoria, (or the reigning sovereign for the time being), Her Heirs and Successors, according to law; and I further swear that I will faithfully perform and fulfil, according to the best of my judgment and ability, the duties of the office to which I have been elected. So help me God.

No 2.

Form mentioned in article 62.

NOTICE TO ELECTORS OF COMPLETION OF ELECTORS' LISTS.

Public notice is hereby given that the electors' lists for the several wards of the city of Montreal have been delivered to the undersigned, and that, within fifteen days from the date hereof, any elector in any ward may give notice in writing to the undersigned, that he will apply to the recorder of the city to have the list of electors for any ward amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted. Such notice must specify the qualifications of the persons whose names are sought to be added, and the causes of disqualification of those sought to be struck off, and must be served, at the diligence of the applicant, on or before the 5th day of January 19—, upon every person whose name is sought to be struck from the electors' lists, by registered letter, sent to the address mentioned on said list. And public notice is hereby given that the recorder of the city of Montreal will sit (*mention the day, date, hour, and place*), for the purpose of considering such applications or complaints, in respect of said electors' lists, as may be made, according to law.

By order.

.....
City-Clerk.

City-Clerk's Office.
City Hall.
Montreal,

No. 3.*Form mentioned in article 74.*

CERTIFICATE OF REVISION OF ELECTORS' LISTS.

I, the undersigned recorder of the city of Montreal, do hereby certify that the above list of municipal electors for the polling district number _____ in the _____ ward of the city of Montreal, for the current year, has been revised by me according to law,

.....

Recorder.

.....

City-Clerk.

Montreal, 18

No. 4.*Form mentioned in article 81.*

COMMISSION OF AN ELECTION-CLERK.

To E. F., (*set forth occupation and residence.*)

Know you that, in my capacity of returning officer, I have appointed and do hereby appoint you to be my election-clerk, to act in that capacity according to law, at the approaching elections, to be held in the city of Montreal under the provisions of the charter of the said city.

Given under my hand, at _____, this day of the month of _____, in the year _____

(Signature)

A. B.,

Returning Officer.

No. 5.*Form mentioned in article 82.*

OATH OF THE ELECTION-CLERK.

I, the undersigned, E. F., appointed election-clerk for the approaching elections to be held in the city of Montreal under the provisions of the charter of the said city, do solemnly swear (or affirm) that I will act faithfully in my said capacity as election-clerk and also as returning officer if required to act as such, the whole according to law and without partiality, fear, favor, or affection : So help me God.

(Signature)

E. F.,
Election-clerk.

No. 6.*Form mentioned in article 82.*

CERTIFICATE OF THE ELECTION-CLERK HAVING TAKEN THE OATH
OF OFFICE.

I, the undersigned, hereby certify that, on the day of the month of , 18 , E. F., election-clerk for the approaching elections to be held in the city of Montreal under the provisions of the charter of the said city, did take and subscribe before me the oath of office required by the charter of the city of Montreal.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,
Justice of the Peace,

OR

A. B.,
Returning Officer.

No. 7.*Form mentioned in article 86.***NOMINATION-PAPER.**

CITY OF MONTREAL.

.....Ward.

Seat No.....

We, the undersigned, electors of ward, in the city of Montreal, do hereby nominate No. street, as a candidate at the election for the office of alderman seat No. for the said ward now about to be held for the ward of the city of Montreal.

In witness whereof, we have signed at Montreal, this
day of 18 ..

Names.	Occupation.	Qualification. (Giving the elect- oral franchise.)	Address.

Signed by the said electors in presence of

I, the said nominated in the foregoing nomination-paper, hereby consent to such nomination.

Witness my hand at, Montreal, this day of 18 ..

Signed by the said.....in presence of

(Signature)

I, the undersigned, candidate at the present election, do solemnly declare that I can read fluently and write legibly, and I make this solemn declaration conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act, 1893.

Declared before me
at this } (Signature)
day of
.....

No. 8.*Form mentioned in article 94*OATH OF ATTESTATION OF THE NOMINATION-PAPER AND OF
THE CONSENT OF THE CANDIDATE.

I _____ of the city of Montreal, solemnly swear (*or*
affirm) that I know
.....
and that they are inscribed on the electors' list in force for
ward, in the city of Montreal, under the pro-
visions of the charter of said city, and that they respect-
ively signed the foregoing nomination-paper with their
signatures in my presence, and further that I know the
saidthereby nominated and that he signed
his consent to this nomination in my presence.

(Signature)

Sworn (*or* affirmed) before me, at }
Montreal, this }
day of }

No. 7^a.

NOMINATION-PAPER FOR THE ELECTION OF MAYOR.

We, the undersigned, duly qualified to vote at municipi-
pal elections, in the city of Montreal, do hereby nominate
.....Nostreet, as a candidate
at the election of mayor of the said city now about to be
held in the said city of Montreal.

In witness whereof, we have signed at Montreal, this
.....day of18.....

Names.	Occupation.	Qualification. <i>Giving the elect- oral franchise.</i>	Address.

Signed by the said electors in presence of.....

I, the said.....nominated in the foregoing nomination-paper, hereby consent to such nomination.

Witness my hand at Montreal this day of..... 18.....

(Signature)

Signed by the said in presence of

(Signature)

No. 8a.

OATH OF ATTESTATION OF THE NOMINATION-PAPER AND OF THE CONSENT OF THE CANDIDATE.

I..... of the city of Montreal solemnly swear (or affirm) that I know.....

and that they are duly qualified to vote at the election of mayor about to be held and that they respectively signed the foregoing nomination-paper with their signatures in my presence, and further that I know the said.....thereby nominated, and that he signed his consent to the nomination in my presence.

(Signature.)

Sworn (or affirmed) before me }
at Montreal, this..... }
day of..... 18 }

No. 9.

Form mentioned in article 106.

COMMISSION OF A DEPUTY-RETURNING OFFICER.

To G. H. (insert his occupation and residence.)

Know you, that in my capacity of returning officer, I have appointed and do hereby appoint you to be deputy-returning officer for the polling district No.....in ward of the city of Montreal, there to take the votes of the electors by ballot, according to law, at the poll to be by you opened and held for that purpose ; and you are hereby au-

thorized and required to open and hold the poll for such election, for the said polling district, on day of the month of instant (or next,) at (hour) of the clock in the noon, and there hold such poll during the hours required by law, and there take by ballot, in the manner by law provided, the votes of the electors voting at the said poll, and, after counting the votes given and performing the other duties required of you by law, to return to me forthwith the ballot-box, sealed with your seal, and enclosing the ballots, list of electors, and other documents required by law, together with this commission.

Given under my hand, at this
day of the month of ,
in the year 18 .

(Signature)

A. B.,

Returning Officer.

No. 10.

Form mentioned in article 108.

OATH OF DEPUTY-RETURNING OFFICER.

I, the undersigned, G. H., appointed deputy-returning officer for the polling district No. in ward of the city of Montreal, do solemnly swear (or affirm) that I will act faithfully in my said capacity and without partiality, fear, favor or affection: So help me God.

(Signature)

G. H.,

Deputy Returning Officer.

No. 11.

Form mentioned in article 108.

**CERTIFICATE OF A DEPUTY-RETURNING OFFICER HAVING
TAKEN THE OATH OF OFFICE.**

I, the undersigned, hereby certify that on the day of the month of 18 , G. H., deputy-returning officer for the polling district No. in ward of the city of Montreal took and subscribed before me the oath of office required in such case.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,

Justice of the Peace.

or A. B.,

Returning Officer.

No. 12.

Form mentioned in article 114.

BALLOT-PAPER.

1	LEBLANC (JEAN-BAPTISTE LEBLANC, of the city of Montreal, merchant.)	<input checked="" type="radio"/>
2	O'FLAHERTY (PATRICK O'FLAHERTY, of the city of Montreal, manufacturer.)	<input type="radio"/>
3	YOUNG (JOSEPH YOUNG, of the city of Montreal, advocate.)	<input type="radio"/>

Election of an alderman for...

.....ward

or

Election of a mayor for the

city of Montreal (*as the case*

may be.)

ANNEX.

No.

The Initials of the Deputy Returning Officer should be placed here.

Ici doivent être mises les initiales du sous-officier-rapporteur.

No. 13.

Form mentioned in article 121.

COMMISSION OF A POLL-CLERK.

(To I. J., *(insert his occupation and residence)*).

Know you that, in my capacity of deputy returning officer for the polling district No.....ward in the city of Montreal, I have appointed and hereby appoint you to be poll-clerk, for the said polling district No..... in said ward.

Given under my hand, at _____, this _____ day of the month of _____, in the year _____.

_____(Signature)

G. H.,

Deputy Returning Officer.

No. 14.

Form mentioned in article 121.

OATH OF A POLL-CLERK.

I, the undersigned, I. J., appointed poll-clerk for the polling district No.....ward, in the city of Montreal, do solemnly swear (or affirm) that I will act in my said capacity of poll-clerk, and also in that of deputy returning officer, if required to act as such, according to law, faithfully and without partiality, fear, favor, or affection : So help me God.

(Signature)

I. J..

Poll-clerk.

No. 15.*Form mentioned in article 121.*CERTIFICATE OF THE POLL-CLERK HAVING TAKEN THE
OATH.

I, the undersigned, hereby certify, that, on the
day of the month of _____, 18____, I. J., poll-clerk for
the polling district No.....ward of the city of Montreal,
took and subscribed before me the oath of office required of
a poll-clerk.

In testimony whereof, I have delivered to him this cer-
tificate under my hand.

(Signature)

C. D.

Justice of the peace.

or,

A. B.

Returning Officer

or,

G. H.

*Deputy Returning Officer.***No. 16.***Form mentioned in article 123.*COMMISSION OF A POLL-CLERK, BY POLL-CLERK ACTING AS
DEPUTY RETURNING OFFICER.

To _____, of (*insert his residence and occupation*).

Know you that, in my capacity of acting deputy return-
ing officer, for the polling district No.....ward, in the
city of Montreal, in consequence of the decease (*or incapac-*
ity to act, as the case may be) of the deputy returning officer
for the said polling district whose poll-clerk I was, I have
appointed and do hereby appoint you to be poll-clerk
for the polling district No. _____, in the said ward.

Given under my hand at _____ this _____ day of
the month of _____ in the year 18 ____.

(Signature)

I. J.

Poll-Clerk

acting as

Deputy Returning Officer.

No. 17.

Form mentioned in article 127.

OATH OF AGENT OF A CANDIDATE, OR OF ELECTOR REPRESENTING A CANDIDATE.

I, the undersigned, G. H., agent for (or elector representing, *as the case may be*), J. K., one of the candidates at the election now pending for an alderman for ward in the city of Montreal (or for mayor of the city of Montreal), solemnly swear, (or affirm) that I will keep secret the names of the candidates for whom any of the voters, at the poll in the voting subdivision No. of ward, in the city of Montreal, may have marked his ballot-paper in my presence, at this election : So help me God.

(Signature)

G. H.

Sworn (or affirmed) before me, at , this day of
, 18 .

(Signature)

A. B.

Deputy Returning Officer.

or

C. P.

Justice of the Peace.

No 18.

Form mentioned in article 132.

Poll-Book.

	Number of the voters.
	NAMES OF THE VOTERS.
	Their occupation.
	Their place of residence.
	Owners.
	Tenants or occupants.
	Objections.
	Sworn or affirmed.
	Voters refusing to take the oath or affirmation.
	Votes given.
	Electors voting after others had voted in their names.
	Ballot - papers prepared with the aid of the presiding-officer.
	General remarks.

No. 19.

Form mentioned in article 155.

OATH OF AGENT OF A CANDIDATE, OR OF ELECTOR REPRESENTING A CANDIDATE WHO ALONE ACTS IN ASSISTING AT THE MARKING OF A BALLOT-PAPER.

I, the undersigned, G. H., agent, by special authorization, for (or elector representing, *as the case may be*,) J. K., one of the candidates at the election now pending for alderman for seat No..... of ward, in the city of Montreal (or for mayor, *as the case may be*), solemnly swear (or affirm) that I will keep and assist in keeping and maintaining secret the names of the candidates for whom any of the voters at the poll in the voting subdivision No..... of ward, in the city of Montreal, has marked his ballot-paper in my presence, at this election, and that I shall not communicate at any time to any person any information obtained in the interior of this poll as to the name of the candidate for whom an elector intends to vote or has voted : So help me God.

(Signature)

G. H.

Sworn (or affirmed) before me, at this
day of , 18 .

(Signature)

A. B.

Deputy Returning Officer.

or

C. P.,

Justice of the Peace

No. 20.

*Form mentioned in article 172.*OATH OF THE DEPUTY RETURNING-OFFICER AFTER THE
CLOSING OF THE POLL.

I, the undersigned, deputy returning officer for the voting subdivision No....., in the..... ward of the city of Montreal, do solemnly swear (or affirm) that, to the best of my knowledge and belief, the poll-book kept for such voting subdivision, under my direction, has been so kept correctly ; and that the total number of votes polled, and recorded in the book is ; and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this voting subdivision, as the said votes were taken thereat ; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packet of ballot-papers, and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the ballot-box, as this oath will also be, to the end that the said ballot-box, being first carefully sealed with my seal, be transmitted to the returning officer, according to law.

(Signature)

G. H.

Deputy Returning Officer.

Sworn (or affirmed) before me, at, . this
day of , 18 .

(Signature)

X. Y.,

Justice of the peace.

or A. B.,

Returning Officer.

or I. J.,

Poll-clerk.

No. 21.*Form mentioned in article 172.***OATH OF THE POLL-CLERK AFTER THE CLOSING OF THE POLL.**

I, the undersigned, poll-clerk for the voting subdivision No. of ward, in the city of Montreal, do solemnly swear (*or affirm*) that the poll-book in and for this voting subdivision, kept under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me correctly and to the best of my skill and judgment; and that the total number of votes polled in this book, is ; and to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this voting subdivision, as the votes were taken at this poll by the deputy returning officer.

(Signature)

I. J.,

Poll-clerk.

Sworn (*or affirmed*) and signed before me, at
this day of the month of , in the year
18 .

(Signature)

X. Y.,

Justice of the Peace.

or

A. B.,

Returning Officer.

or

G. H.,

*Deputy Returning Officer.***No. 22.***Form mentioned in article 267.*

CANADA,
PROVINCE OF QUEBEC. }
DISTRICT OF

COURT.*plaintiff,**vs.**defendant.*

I, M. N., plaintiff in this cause, being duly sworn, declare that, in the present cause, I am not acting in collusion with the defendant, and that I do not prosecute for the purpose of preventing such action or prosecution being instituted by any other person, or for the purpose of delay-

ing or causing such action to miscarry, or for the purpose of saving such defendant from the payment of the whole or any part of such penalty, or of procuring for him any advantage, but that I institute such prosecution or action in good faith, conscientiously believing the same to be well founded, and for the purpose of exacting and recovering the payment of such penalty with all practicable celerity.

(Signature)

M. N.

Sworn (or affirmed) before me, }
at this day of }
the month of , 18 . }

(Signature)

P. S.,

Justice of the Peace.

Form mentioned in article 316

FORM OF BALLOT PAPER.

1899

City of Montreal

Cap. 58

421

MONTREAL,.....18

Voting on by-law to (*here insert
object of the by-law*) approved by the
council of the city of Montreal on
the day 18

FOR
THE BY-LAW.



AGAINST
THE BY-LAW.

No. 24.

Form mentioned in article 320.

I, the undersigned, A. B., solemnly declare that I am desirous of promoting (or opposing as the case may be) the passing of the by-law to (here insert object of the by-law) now submitted for the approval of the real estate owners of this city.

Made and declared before me, at Montreal, this
day of 18 .

A. B.

L. O. D.

City-clerk.

Or A. C. (as the case may be)

Deputy Returning Officer.

No. 25.

Form mentioned in article 386.

NOTICE TO RATE-PAYERS.

Public notice is hereby given, that the valuation and assessment roll of the city of Montreal, for the

ward of the said city, (or tax roll, as the case may be, or any special roll of assessment, specifying the purposes for which such roll or rolls are made) is completed, and is now deposited in the office of the undersigned, in the city-hall.

All persons, whose names appear therein as liable for the payment of any tax or assessment, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

(Signature.)

City Hall,

Montreal, (date.)

City-treasurer.

No. 26

Form mentioned in article 387.

NOTICE FOR THE COLLECTION OF TAXES, &C.

CORPORATION OF MONTREAL

Mr

COPY OF ACCOUNT.

Notice Served, \$

1911

(Date of Notice.)

Costs \$

Notice,

CORPORATION OF MONTREAL

Mr.

To the City of Montreal.

Dr.

To taxes or assessments,

(Here state Account.)

\$

SIR,

Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below; in default whereof, execution will issue against your goods and chattels.

CITY HALL,

Montreal, (date.)

Costs \$

Notice.

(Signature.)

City-Treasurer.

No. 27.

Form mentioned in article 387.

WARRANT OF SEIZURE.

Province of Quebec, } IN THE RECORDER'S COURT OF THE
 City of Montreal. } CITY OF MONTREAL.

VICTORIA, *By the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.*

Debt.....	.....	\$
Interest.....	.....	
Costs.....	.....	
Warrant.....	.....	
		\$	

To any bailiff of the
 Recorder's Court of the
 city of Montreal.

WHEREAS, A. B. (*name and designation of debtor*) hath been required by the city-treasurer, to pay into his hands, for and on behalf of the city, the sum of _____, being the amount due by him to the city, as appears by the valuation and assessment roll, for the year 18____; (*or tax roll or special assessment roll, as the case may be*) and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of _____; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the city-treasurer, sell the goods and chattels so by you detained, and do pay the money arising from such sale unto the city-treasurer, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B. or others whom it may concern; and, if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under the hand of the clerk } X. Y..
 of the Recorder's Court, at Montreal. } Clerk of the
 this _____ day of _____ in the year _____ } Recorder's Court.

No. 28.

Form mentioned in article 389.

NOTICE OF SALE OF GOODS AND CHATTELS.

Public notice is hereby given, that on next, the goods and chattels of the persons hereinafter named and designated, now under seizure for non-payment of assessments (*or other dues or taxes as the case may be,*) will be sold by public auction, at the hours and places hereinafter mentioned, to wit :

NAMES.	AMOUNT.	PLACE OF SALE NO. STREET.	HOURL OF SALE

(Signature.)

City Hall,
Montreal, (*date*)

City-treasurer.

No. 29.

Form mentioned in article 399.

NOTICE OF SALE OF IMMOVEABLES.

PUBLIC NOTICE is hereby given that the immoveable properties hereinafter mentioned, and more particularly described in a Schedule filed in my office, on the _____ day of _____ 18____, will be sold by me, at my office, in the city of Montreal, on _____ the _____ day of _____ 18____, at ten o'clock in the forenoon, upon a claim by the city of Montreal for taxes and assessments due as detailed in such Schedule.

Schedule No.	Wards.	Cadastral number.	Street.	Assessed or taxed Persons.	Amount claimed.	Nature of claims.

SHERIFF'S OFFICE,
Montreal,

18

First published,

(Signature.)

Sheriff.
18

1899

City of Montreal

Cap. 58

427