

CAP. LXII

An Act to amend and consolidate the acts respecting the incorporation of the city of St. Henri.

[Assented to 9th January, 1897.]

Preamble.

WHEREAS the city of St. Henri has, by petition, set forth:

That the acts respecting the incorporation of the city of St. Henri are at present scattered through several volumes of the statutes of the Legislature of the Province of Quebec;

That this causes considerable difficulty to all who require to know them and to consult the charter of the said city;

That it is in the interest of the city of St. Henri to pray the Legislature of the Province of Quebec to pass certain amendments to its charter with respect to the prescription of the right of action in cases for damages, and for other purposes;

That it is necessary to consolidate the acts respecting the said city of St. Henri and to amend the said charter;

Whereas the said city has prayed that more extended and better defined powers be granted to it and that its said charter be consolidated and revised;

And whereas it is expedient to grant the prayer of the said petition;

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

PRELIMINARY TITLE.

MISCELLANEOUS PROVISIONS.

SECTION I.

DECLARATORY AND INTERPRETATIVE.

42-43 V., c. 59, &c., repealed.

1. The acts 42-43 Victoria, chapter 58; 49-50 Victoria, chapter 50; 51-52 Victoria, chapter 87; 55-56 Victoria, chapter 53; 57 Victoria, chapter 60; 58 Victoria, chapter 51; and 59 Victoria, chapter 52, are repealed.

Inconsistent provisions of Revised Statutes, title XI, chapter I, not to apply.

2. The provisions of the Town Corporations' Act, contained in chapter first of Title XI of the Revised Statutes, which are inconsistent with those of the present act, shall not apply to the corporation hereby constituted.

Interpretation of certain words and ex-

3. Unless the context of the provision, either expressed or implied, indicates or declares otherwise, the following

expressions, terms and words, whenever the same occur in this charter, have the meaning, sense and application which are respectively assigned to them in this article :

1. The term "charter" means the charter of the city of St. Henri ;

2. The word "municipality" signifies the territory erected into a city by the charter ;

3. The word "district" means any judicial district established by law, and specially the district in which the city is situated ;

4. The term "member of the council" means and includes the mayor and any alderman of the city of St. Henri ;

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

6. The term "justice of the peace" includes equally the mayor and every alderman acting *ex-officio* as justice of the peace, under article 44 of this charter ;

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

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

9. Being able only to read print or to write one's name, or even to do both, does not constitute the knowledge required by the provisions of the charter, that any person to be capable of filling any municipal office must know how to read and write.

10. Whosoever is, by the provisions of the charter or of the by-laws of the council, bound to sign his name to any document whatsoever, and cannot do so, shall affix his mark to such document, in the presence of a witness who signs it.

4. The preceding article does not apply to members of the council or to officers who, according to the provisions of the charter, must be able to read and write.

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

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

Objections as to form.

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

Taking of oaths.

8. Any oath required by the charter, may be taken before the mayor, clerk or secretary-treasurer or a justice of the peace.

Duty to administer oath, &c.

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

Competence of witnesses who are electors or councillors.

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

Depositions on behalf of corporation.

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

Penalty for refusal or neglect to act in certain cases.

11. Every justice of the peace and all persons who refuse or neglect, without reasonable cause, to do any act or duty imposed upon them by some provision of the charter, or required of them in virtue of such provisions, incur, over and above the damages caused, a penalty of not less than four nor more than twenty dollars, except in cases otherwise provided for.

Notice to corporation of intention to claim damages by suit.

12. If any person alleges and claims that he has been aggrieved by any accident or fortuitous circumstance for which he intends to claim damages or compensation from the city, he shall, within the thirty days following the date of such accident or fortuitous circumstance, inform the city of such intention by means of a notice containing the particulars of his claim and the address of his personal domicile, in default whereof the city shall be relieved from all responsibility regarding such damages or the compensation resulting from the said accident or fortuitous circumstance, any article or provision of the Civil Code to the contrary notwithstanding.

Prescription of suit for damages.

13. Every action, suit or claim against the city, or against any of its officers or employees, for damages resulting from offences or quasi-offences or from illegal acts, is

prescribed by six months from the day on which the right of action arose, any article or provision of the Civil Code to the contrary notwithstanding.

14. This act shall be known as the "Charter of the city of St. Henri." Name of act.

SECTION II.

TRANSITORY PROVISIONS.

15. The mayor and aldermen of the city of St. Henri, who are now in office, remain and are continued in office for the full period of time for which they were elected in virtue of the acts hereby repealed, and the officers appointed by the said mayor and aldermen, also remain and they are hereby continued in their respective departments until their appointments have been regularly revoked by the council; and all by-laws, orders, lists, rolls, plans of the city, resolutions, ordinances, contracts, agreements or other municipal deeds whatever, passed and consented to by the said mayor and present council, or their predecessors in office, have and continue to have full and entire effect until they have been regularly repealed or amended, and the said council, as constituted, continues to have all the rights and powers granted by the acts by this act repealed; and all notes, debentures and obligations whatever, consented, contracted or issued by the said corporation, up to the coming into force of this act, have the same force and effect as if the present act had not been passed.

Mayor and councillors and present officers continued in office.

By-laws, &c., continue to have their effect, &c.

TITLE I.

ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE CITY.

16. The inhabitants of the city of St. Henri and their successors, inhabitants of the said city, are hereby incorporated under the name of "The city of St. Henri." Corporation constituted.

Under such name, they and their successors have perpetual succession, and have a common seal which they may change, break, renew and alter at pleasure. Name. Seal.

17. Such corporation, under its corporate name, may : General powers.

1. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same ;

2. Enter into contracts, transact, bind and oblige itself and others to itself, within the limits of its powers ;

3. Sue and be sued in any cause and before any court of justice ;

4. Subscribe, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, debentures, obligations, judgments, warranties or other titles and securities, whether negotiable or not, in fulfilment of all the powers, rights and attributes conferred upon it by its charter and by law, and of all the duties and obligations devolving upon it; especially as regards security for loans, the payment and settlement of amounts due by or to it under any act, contract, agreement or stipulation, the payment of bonuses and other lawful purposes ;

5. And generally exercise all the powers vested in it or which are necessary for the accomplishment of the duties imposed upon it.

SECTION II.

BOUNDARIES OF THE CITY.

18. The city of St. Henri comprises all that extent of territory contained within the present limits of the city of St. Henri.

19. The city is divided into four wards, respectively known as St. James' ward, St. Augustin ward, St. Antoine ward, St. Henri ward.

20. The boundaries of the various wards are as follows :
1. St. James' ward is bounded, to the north-east, by Atwater street; thence along the middle of Notre-Dame street, including the north side of the said street, to St. Peter street; to the south-west, it is bounded by the said St. Peter street, the whole eastern side of which it includes, as far as the limits of the municipality of the town of Westmount, which limits are at the same time the limits of St. James' ward on that side;

2. St. Augustin ward comprises all that territory between Atwater street on the north-east and Notre-Dame street, including the south side of the said street, the Lachine Canal on the other side, and the line of the Grand Trunk Railway on the south-east ;

3. St. Antoine ward starts from the west side of St. Peter street, follows the limits of the municipality of the town of Westmount, as far as the western limits of the city of St. Henri; is bounded, to the west, by Côte St. Paul road as far as the line of the Grand Trunk Railway, and thence it follows the said line of railway to the toll-gate on Notre-Dame street ;

4. St. Henri ward comprises the remainder of the territory of the city of St. Henri and extends from the bridge, on

Notre-Dame street, to the gate on the Grand Trunk Railway, on the north side only; thence it follows the line of the Grand Trunk Railway, on the south-east side, as far as the Côte St. Paul road, which it follows as far as the Lachine Canal, and thence follows the Lachine Canal as far as the Grand Trunk iron bridge.

21. The council may, by by-law, revise and change the limits of the various wards and also increase the number thereof. Council may change the limits of the wards.

SECTION III.

ANNEXATION OF TERRITORY.

22. The council of the city of St. Henri may, by by-law, extend the limits of the city, by annexing any neighbouring municipality or any part thereof; provided, always, that the by-laws for such purpose be sanctioned by the electors, who are proprietors of the municipality or part of the municipality which it is sought to annex, after notice regularly given in conformity with the law governing publications in force in such municipality. Extending limits of town.

23. The by-laws, once so voted, and approved by the council of the city of St. Henri, shall be submitted to the Lieutenant-Governor in Council and shall come into force on the day it is approved by him. Approval of Lieutenant-Governor in Council.

SECTION IV.

CITY COUNCIL.

24. The corporation is represented by its council. Its powers are exercised and its duties discharged by such council and its officers. By whom the corporation is represented.

25. The council of the city of St. Henri consists of a mayor and eight aldermen; two aldermen for each ward. Composition of council.

26. The quorum of the council is five members. Quorum.

27. The term of office of the mayor shall end at the opening of the first general or special session of the council held after the annual general elections. Expiration of term of office of mayor.

28. The same rule applies to the aldermen retiring from office at the time of such elections. Application to councillors.

29. The mayor or any alderman elected to replace another remains in office only during the remainder of the time for which his predecessor was elected. Term of office of replacing mayor, &c.

- Oath of office. **30.** Every member of the council, so soon as he is appointed, makes oath well and faithfully to discharge the duties of his office.
- Before whom taken. **31.** The oath of office of the aldermen and of the mayor may be taken before a justice of the peace, or before the mayor in office for the time being; and an entry thereof is made in the book of the proceedings of the council.
- Entry upon duty. **32.** A member of the council enters upon the discharge of his duties only after he has taken the oath of office.
- Omission to take oath. **33.** The omission, during fifteen days, on the part of any member of the council to take the oath required for the office to which he has been appointed, constitutes a refusal to accept such office, and renders him subject to the penalties prescribed.
- Services to be gratuitous. **34.** The aldermen do not receive any salary, profit or indemnity, in any form whatsoever, for their services.
- Disabilities resulting from office. **35.** The members of the council are incapable of holding any subordinate office under the council, nor can they be sureties for the performance of the duties attached to such office.
- Refusal to accept office. **36.** Any person appointed to the office of mayor or of alderman, who illegally refuses to accept such office or to continue to perform the duties thereof, incurs a penalty of thirty dollars for the office of mayor and twenty dollars for the office of alderman.
- When refusal shall be held to have occurred. **37.** A member of the council is deemed to have refused to continue to perform the duties of his office when he, for two consecutive months, refuses or neglects, without, in the opinion of the council, reasonable cause to discharge the duties of such office.
- Resumption of office. **38.** If he is able so to do, and without prejudice in any case to the costs of judicial proceedings instituted against him, any member who refuses to accept the office, or to continue to perform the duties of the office to which he has been appointed in the council, or who is unable to perform such duties for three consecutive months, through absence, illness, infirmity, or otherwise, may, at any time until the vacancy caused by his refusal or incapacity to act be filled up, resume his duties and perform the same.
- Validity of certain votes and acts. **39.** No vote given by a person illegally filling the office of member of the council, and no act in which he participates

in such quality, can be set aside solely by reason of the illegal exercise of such office.

40. The mayor exercises the right of superintendence over all the officers of the municipality, sees to the faithful and impartial execution of all municipal ordinances and by-laws, and communicates to the council any information and suggestions which he may consider conducive to the interests of the municipality or its inhabitants. Mayor to superintend and make suggestions.

41. He signs, seals and executes, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council otherwise provides. Signs debentures, &c.

42. He is bound to read to the council, in session, all circulars or communications addressed to himself or the council by the Lieutenant-Governor, or by the Provincial Secretary, and, if it be required by the council or by the Lieutenant-Governor, to make them public in the municipality, in the manner required for public notices. Reads all circulars from Lieutenant-Governor, &c.

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

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

They are competent to hear and decide all cases in which the corporation or its officers are interested parties. Jurisdiction.

SECTION V.

PERSONS QUALIFIED OR DISQUALIFIED FOR MUNICIPAL OFFICE OR EXEMPT FROM DISCHARGING THE DUTIES THEREOF.

§ 1.—*Persons qualified for Municipal Office.*

45. Every male resident of full age in the municipality, not declared disqualified by a provision of this charter, is capable of discharging a municipal office. General qualification.

46. Whosoever is capable of discharging any municipal office in the municipality, and is not exempted from so doing, is bound to discharge such office, if thereunto appointed, and to perform all the duties thereof, under the penalties prescribed by law. Exercise of duties obligatory.

Exception.

No one is, however, bound to accept or to continue in the discharge of the office of secretary-treasurer.

§ 2.—*Persons disqualified for Municipal Office.*

General dis-
qualifications.

47. The following persons cannot be appointed to or fill municipal offices :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges of the Supreme Court, of the Court of Queen's Bench, of the Superior Court, of the Circuit Court and of the Court of Vice-Admiralty, district or police magistrates and sheriffs ;
5. Officers on full pay of Her Majesty's army or navy, and the officers or men of the provincial or local police force ;
6. Keepers of taverns, hotels or houses of public entertainment, or persons who have acted as such within the twelve preceding months.

Non-residents
disqualified.

48. Whosoever has no domicile or place of business in the city is incapable of exercising any of the municipal offices thereof.

Employees
and contract-
ors disquali-
fied.

49. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or has, directly or indirectly, by himself or his partner, any contract or interest in any contract with the corporation, cannot be appointed a member of the council of the city, or act as such.

Exception.

Nevertheless, a shareholder in any incorporated company, which has any contract or agreement with the corporation, is not disqualified from acting as a member of the council of the city.

Meaning of
word "con-
tract."

The word "contract," used in the first paragraph of this article, does not extend to any lease, or to any sale or purchase of lands, or to any loan of money, or to any agreement respecting any of these acts.

Eligibility.

50. No person can be elected mayor or alderman, or fill either of these offices unless :

1. He be of the male sex, of full age and a subject of Her Majesty ;
2. He can read and write ;
3. He has had his domicile or place of business within the limits of the city, during the year preceding the election ;

4. He has possessed therein, for at least twelve months, as proprietor in his own name or in that of his wife, real estate of the value of one thousand dollars, over and above all charges and hypothecs affecting the same, for the office of mayor, and four hundred dollars for that of alderman.

51. The person who *de facto* presides at any municipal election shall not be elected as mayor or alderman at such election. Disqualification.

52. No person, surety for any secretary-treasurer, shall be a member of the council before he is freed from all obligations to the corporation arising from his bond as surety. Idem.

53. Other disqualifications relative to certain municipal offices are prescribed in the provisions of this charter respecting those offices. Other disqualifications.

54. Whoever has been appointed to any municipal office, for which he becomes disqualified during his exercise of such office, shall give without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation. Notice required.

Until such notice is given, such person is deemed to have continued in the exercise of such office, and is liable to all penalties, prosecutions and other rights of action set forth in this charter. Remains in office until such notice is given.

55. If the disqualification of a person appointed to a municipal office or holding the same be notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed. Notorious disqualification.

The vacancy is then filled by the council in the ordinary manner, and within the delay prescribed. Vacancy how filled.

§ 3.—Persons exempt from Municipal Office.

56. The following persons are exempt from any municipal office : General exemptions.

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;

2. All civil functionaries, the employees of the Federal Parliament and of the Provincial Legislature, and the militia staff ;

3. Advocates, notaries, provincial land surveyors, physicians, dentists, druggists and teachers, engaged in their respective professions ;

4. Licensed pilots, persons engaged in navigation, and millers ;

5. Persons over sixty years of age ;
6. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;
7. All persons employed on railways.

Former services.

57. Any person having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council during the two years next after such service.

Employment under council.

58. Any person actually engaged in an office under any council may, while he is discharging the duties of such office, refuse to accept any other office under the council.

Payment of fine an exemption.

59. Every person, who has paid a penalty for refusal to accept any municipal office, is exempt from filling any office whatsoever, under the council, during the period for which he had been appointed.

Notice required.

60. Any person, who is appointed to a municipal office from which he is exempt, or who while filling any office becomes exempt, and desires to avail himself of such exemption, shall lodge, in the office of the council a special notice to that effect, within the fifteen days following the notification of his appointment, or the day when he becomes exempt from filling such office.

Default of giving notice.

In default of his so doing, he may no longer claim his exemption.

TITLE II.

MUNICIPAL ELECTORS.

SECTION I.

PERSONS QUALIFIED TO BE ELECTORS.

Electoral qualification.

61. Every person is a municipal elector, and as such has the right to vote at the election of mayor and aldermen, and to exercise all the rights and privileges conferred on municipal electors by the provisions of the charter, who, at the time he exercises such rights and privileges, is within the following conditions :

1. He must have attained the age of majority, and be a subject of Her Majesty ;

2. He must have been in possession, in the municipality, during the preceding six months, either in his own name or in the name and for the benefit of his wife, as appears by the valuation roll in force, as proprietor of real estate of the actual value of at least two hundred dollars, or as resident tenant, farmer or lessee or as occupant by any title whatsoever, of real estate of the annual value of at least twenty dollars ;

3. His name must be entered, either as proprietor, lessee or occupant, on the valuation roll in force in the municipality or be entered on the list of municipal electors, if there be such list.

SECTION II.

PENALTIES FOR VOTING WHEN NOT QUALIFIED.

62. Whosoever votes at any municipal election, or exercises any right or privilege by the charter conferred on any municipal elector, without having, at the time of voting or exercising such right or privilege, the qualities required as a municipal elector, incurs a penalty of twenty dollars. Illegal exercise of electoral rights.

TITLE III

GENERAL ELECTIONS OF MAYOR AND ALDERMEN.

SECTION I.

ELECTIONS.

63. Elections shall take place each year in the month of January, both for the mayor and for the aldermen. The mayor shall be elected by the majority of the votes of the municipal electors of the city polled at each election, and the aldermen shall be elected by the majority of the votes of the electors of each ward polled at each election. Elections.

64. The nomination takes place at ten o'clock in the morning, on the second Monday of January; and the polling, when required, shall be held on the third Monday of the same month. Nomination and polling.

65. At least eight days before the nomination of candidates for the office of alderman, the city clerk or secretary-treasurer gives public notice announcing the hour when and the place where the nomination shall be made. Notice of nomination.

66. The omission to give such notice does not prevent the general meeting from being held; but the persons, who are bound and who have neglected to give such notice, incur a fine of twenty dollars, payable to the corporation. Meeting to be held although no notice given. Penalty for not giving notice.

67. The city clerk or secretary-treasurer, *ex-officio*, presides at every municipal election. Presiding officer.

68. The presiding officer appoints an election clerk to assist him in the performance of his duties relative to the elections; and, if the presiding officer be absent or unable to act, the election clerk performs the duties of the presiding officer and is liable to the same penalties. Election clerk and his duties.

His oath. The election clerk makes oath to well and faithfully perform the duties of his office.

If secretary-treasurer becomes unable to act before appointing clerk. **69.** If, from any reason whatsoever, the secretary-treasurer becomes unable to act before he has appointed a clerk, the mayor in office may appoint another person to preside over the election; and the person so appointed has, in this respect, all the powers and discharges all the duties of the secretary-treasurer.

Oath of presiding officer. **70.** The presiding officer acts, as such, under his oath of office as officer of the council or, in the case of the preceding article, under the oath which he must take before a justice of the peace.

Powers as justice. **71.** He has the same powers as a justice of the peace, and may exercise the same throughout the municipality, from eight o'clock in the morning of the nomination day until nine o'clock of the following morning, if there be no poll.

In the contrary case, he may exercise the same until nine o'clock in the morning of the second day after the polling.

Contents of nomination paper. **72.** Each candidate is designated by his Christian name and surname, with his residence, profession and occupation in the nomination paper (according to form A), which is signed by, at least, ten electors qualified to vote under this act, and deposited in the hands of the presiding officer on the day and between the hours aforesaid.

Attestation of nomination paper. Such nomination paper shall be accompanied by the written consent of the person nominated, unless he be absent from the city, in which case the nomination paper shall mention such absence.

Consent of candidate. **73.** The nomination paper shall also be accompanied by an affidavit (according to form B), sworn before the city clerk or secretary-treasurer, or a justice of the peace setting forth:

Affidavit at-testing: **1.** That the deponent knows that the persons who signed the nomination paper, or at least ten of them, are qualified electors entered on the electors' list in force in the city, or in the ward for which the election is to be held (*as the case may be*), and that they have signed the nomination paper in his presence.

Signatures; **2.** That the consent of the candidate was signed by him in the presence of the deponent or that the candidate is absent from the city.

Consent of the candidate. **74.** If, one hour after the opening of the nomination meeting there be nominated, in the manner aforesaid, only

If only required number be nominated.

the number of candidates required for any of such offices, such candidates are elected *ipso facto*, and the presiding officer pronounces them so elected.

75. If, after the same space of time, more than the required number of candidates be nominated for each such office, a poll shall be granted and the election shall be held in the manner required by this act; provided that no one can be voted for and elected unless he has been previously nominated as aforesaid.

Voting, if more than required number.

Voting limited to persons nominated.

76. The clerk or secretary-treasurer shall publish the names of the candidates nominated for each ward, by means of a notice posted up on the door of his office, in the city-hall, from the nomination day to the polling day.

Publication of names of candidates.

77. Any candidate, who has been nominated, may withdraw from the contestation, at any time before the closing of the poll, by placing in the hands of the presiding officer a written declaration to that effect, signed by himself in the presence of two witnesses, who also sign the same; and, in such case, the clerk or secretary-treasurer, on receipt of such declaration, gives public notice of the fact.

Resignation of candidates.

If there remain but one candidate for the office, the clerk or secretary-treasurer proclaims him elected, and, in the latter case, all the formalities connected with such election shall be stopped.

Effect on election.

78. In addition to the presiding officer and election clerk appointed under articles 67 and following of this charter, other election officers are appointed as hereinafter provided

Appointment of other election officers.

79. The presiding officer appoints a deputy-presiding officer for each poll (form C); he may also appoint a poll-clerk (form C, *mutatis mutandis*.)

Appointment of deputy-presiding officer and poll-clerk by presiding officer.

If the presiding officer does not appoint the clerk, the deputy-presiding officer may, by an instrument in writing under his hand, appoint a clerk (form C *mutatis mutandis*.)

Clerk appointed by deputy.

Such clerk discharges all the duties assigned to him by the presiding officer or the deputy-presiding officer who appoints him, and further those conferred by the charter on the deputy-presiding officer, in the case of the latter's absence or incapacity. These two officers shall take the oath of office.

Duties of clerk.

Their oath.

80. The presiding officer and deputy-presiding officers cannot vote.

Presiding officer and deputy-presiding officers cannot vote.

81. Deputy-presiding officers presiding over elections and their clerks must, in all cases, be able to read and write.

Qualification.

Election ex-
penses.

82. The presiding officer performs his duties without remuneration ; the council repays him the expenses fairly incurred in connection with the election.

The deputy-presiding officers are paid four dollars and the poll clerks two dollars.

Fine on officers
infringing
act.

83. Every person acting as deputy-presiding officer or poll-clerk at any poll, who infringes the provisions of this act, by receiving and registering any vote which is declared inadmissible, incurs a penalty, for each offence, of one hundred dollars, and, in default of payment, an imprisonment of two months.

Polls when
and where es-
tablished.

84. Polls shall be established in each ward where an election is to be held, and the presiding officer establishes as many polls as there are multiples of two hundred and fifty electors entered on the list of electors in each ward.

Notice to be
given.

85. The presiding officer in due time, selects the places required for the polls, and he is bound to indicate and make them known, by means of a public notice, published and posted up, at least three days before the voting, on the door of the poll and at the office of the corporation.

Electors to
vote only
where quali-
fied.
Proviso.

86. Electors can vote only at the poll of the ward for which they are qualified.

If an elector is qualified to vote in several wards, he may vote for the election of aldermen in each ward in which he is qualified to vote ; but he can only vote once in any case for the mayor, under pain of the penalty prescribed in the following article.

Fine for vot-
ing more than
once.

87. Every municipal elector who votes more than once for the election of alderman in any ward in which he is qualified to vote, is liable to a fine of twenty dollars, or to an imprisonment of two months for each contravention.

Proof of quali-
fication.

88. In all cases, the qualification required of electors is established by the list of electors, and, in default of such list, by the valuation roll.

Notice to
member elect-
ed.

89. Within two days after the final addition of the votes the presiding officer shall give special notice of his election to each member of the council who has been elected.

Absence of
notice.

90. The absence of such notice shall not have the effect of invalidating the election nor of preventing the member elect from taking his seat.

Proceedings if

91. When a person is elected alderman for more than

one ward he must, within the same delay, declare which ward he intends to represent; and, in default of his so doing, the council shall declare which of such wards such person shall represent as alderman, and thereupon he shall be deemed elected for such ward.

person elected
for two wards.

In either of the above cases, the office which is given up by the candidate becomes *ipso facto* vacant, and the vacancy shall be filled by the council at the regular meeting as soon as possible.

Vacancy in
other seat.

92. Within two days, next after the close of the election, the presiding officer shall draw up a faithful report of his proceedings, and shall forward it to the office of the council, together with the original notice to the candidates elected, the certificates, poll-books and other papers in his possession as presiding officer.

Report on
election to
council.

Such various documents are certified as correct by him and shall form part of the archives of the council.

Documents to
be certified.

The election expenses are paid by the corporation.

Expenses of
elections.

93. In addition to the powers conferred upon the presiding officer by article 71 of this charter he may, for the purpose of maintaining peace and good order, swear in as many special constables as he deems advisable.

Special con-
stables.

94. The presiding officer or deputy-presiding officers may, for the same purpose, by a verbal or written order, require the assistance of any justice of the peace, constable, or other person residing in the city.

May require
assistance.

95. During the whole time that the polls are open and for two hours after they are closed, every store or licensed house for the sale of spirituous or fermented liquors in the city shall be closed, under a penalty of a fine of one hundred dollars, and of three months' imprisonment in default of payment.

Licensed li-
quor shop,
&c., to be
closed during
elections.
Penalty.

96. If the annual general elections do not take place at the time specified in this charter, it is the duty of the aldermen who do not retire from office, or the majority thereof, to assemble without delay to fix the days on which the nomination and the polling shall be held.

Provision if
election not
held at proper
time.

The days so fixed shall be the soonest possible, and public notice of the election shall be given three clear days before the nomination.

Notice for
election.

97. If, within fifteen days next after that on which the general elections should have taken place, the aldermen, who do not retire from office, have not complied with the preceding article, each of them shall be liable to a penalty not exceeding twenty dollars.

Fine on alder-
man not com-
plying with
previous arti-
cle.

Whose duty it then is to fix day for election.

In such latter case, it is the duty of the mayor in office, under a penalty of one hundred dollars, to fix the days for the election and to give the notice required by the preceding article.

Mayor's default to act.

98. In default of action on the part of the mayor in the manner required by the preceding article, the Lieutenant-Governor may name another person and direct him to perform the duty of such mayor.

Electors' list to be supplied to deputy-presiding officers and a ballot-box.

99. When a poll is necessary for the election of an alderman, the presiding officer shall, at least two days before the voting, give to each of the deputy-presiding officers the list or a copy of the list of the electors who are entitled to vote at the polls for which the deputy-presiding officers are appointed, and deliver to each of them a ballot-box to receive the ballot-papers of the electors.

How ballot-box is to be made.

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

Ballot-papers to be supplied.

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

To be all the same for each ward.

All ballot-papers shall be of the same description for each ward.

Description of ballot-paper.

102. The ballot-paper shall be a printed paper, with an annex, without a line to the right of the names, specifying the names and description of the candidates, alphabetically arranged, in the order of their surnames, or if there be several candidates with the same surname, in the order of their Christian names.

Order of names on ballot-paper.

103. The names and description of each candidate shall be set forth on the ballot-paper, as they are set forth on the nomination paper.

Ballot for each member to be voted for.

104. Whenever, at any election, the electors are required to vote for more than one member of the council, there shall be a ballot-paper for each member.

Ballot-papers to be white.

The ballot-papers for the election shall be printed on white paper.

Number of ballot-papers

105. Every elector receives from the deputy-presiding officer for the ward in which he is to vote, as many ballot-

papers as he has votes to give; and every such elector, after marking his vote in the manner hereinafter prescribed upon each ballot-paper, hands them all together and folded separately to the said deputy-presiding officer.

to be given to elector and proceedings by him.

105. The presiding officer also furnishes to each deputy-presiding officer at least ten copies of printed directions for the guidance of voters in voting.

Directions for voting.

The deputy-presiding officer on the day of the voting, at or before the opening of the poll, causes copies of such directions to be posted up in some conspicuous place outside of the poll, and also in each compartment of the poll.

Posting of same.

The presiding officer also delivers to each deputy-presiding officer a book, made out according to form D, in which the persons voting at the election shall be entered.

Names of persons voting entered in a book.

107. The deputy-presiding officer and the poll-clerk respectively take the oaths prescribed for them.

Oaths of deputy and poll-clerk.

The deputy-presiding officer may take such oaths before the poll-clerk.

Before whom deputy may be sworn.

The said oaths are annexed to the statement mentioned in article 143.

Oaths to be annexed to statement.

108. The voting takes place, for each of the wards where a poll is to be held, at the place determined by the presiding officer for the election, as aforesaid, in a room or building of convenient access, with a door for the admittance of the electors, and having, if possible, another door through which they may leave, after having voted.

Where voting shall take place.

The poll is opened at nine o'clock in the morning and closed at five o'clock of the afternoon of the same day.

Duration of polling.

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

Compartments in room.

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

Persons to be present.

In the absence of agents or representatives of any candidate, two electors may, on application to that effect, re-present such candidate.

Absence of agents provided for.

111. The agents or representatives of each candidate shall make oath, before the presiding officer or deputy-presiding officer, &c.

Oaths to be taken by agents, &c.

siding officer, to keep secret the names of the candidates for whom the electors may mark their ballot-papers in their presence.

Proceedings
previous to
voting.

112. At the hour fixed for opening the poll, the deputy-presiding officer and the poll-clerk, in the presence of the candidates, their agents, or the electors present, opens the ballot-box, and ascertains that there are no ballots or other papers in the same.

Box to be
locked.

The box is thereafter at once locked and the deputy-presiding officer keeps the key thereof.

Commence-
ment of vot-
ing.

113. Immediately after the box shall have been locked, the deputy-presiding officer calls upon the electors to vote; and it shall be his duty to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll.

Mode of vot-
ing

114. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, declares his name, surname and addition, which shall be at once recorded in a poll-book kept for that purpose, by the deputy-presiding officer or poll-clerk, in the usual form or such form as the council may adopt.

Delivery of
ballot-paper.

115. If such name be found on the list of electors for such ward, the voter receives from the deputy-presiding officer a ballot-paper for each vote he has to give, on the back of which such deputy-presiding officer shall have previously put his initials, and on the annex whereof, a number corresponding to that opposite the voter's name on the poll-book.

Oath may be
required.

116. The deputy-presiding officer at each poll, or his clerk shall, if thereunto required by a candidate or his representative or by an elector, tender to any person who presents himself and asks for a ballot-paper, the following oath or affirmation :

Form of oath.

“ You swear (*or affirm*) that you are a subject of Her Majesty ;

That you are of the full age of twenty-one years ;

That your name is the same as that entered on the assessment roll (*or on the list of municipal electors, if there be one*) ;

That you have not voted before for the office or offices to be filled by this election ;

That you have not been guilty of any corrupt practice which disqualifies you from voting at this election ;

That you have not received or been promised anything for yourself, either through your wife or through any

member of your family, or any of your friends, either directly or indirectly, to induce you to vote at this election, and that you have not already voted at this election ;

That you have not acted nor intend to act in the interest of any candidate at this election, either as paid carter or paid canvasser, with a view of obtaining anything for your trouble. So help you God."

117. No ballot-paper shall be given by the deputy-presiding officer to an elector who refuses to take the oath or affirmation mentioned in the preceding article, when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed, nor shall he be allowed to present himself again to vote at the same election. Refusal to answer.

118. Whenever any deputy-presiding officer has reason to know or believe that any person presents himself to vote under a false name or designation, or falsely gives himself or represents himself as entered upon the list of electors, such deputy-presiding officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law. Oath exacted by deputy-presiding officer.

119. The elector, on receiving the ballot-paper, proceeds forthwith into one of the compartments of the poll, and there marks his ballot-paper, making a cross, with a black lead pencil, opposite the name of the candidate for whom he intends to vote ; after which he folds it up, so as to conceal his mark, and hands it to the deputy-presiding officer. Preparation of the ballot-paper.

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

121. The poll-clerk enters in the poll-book, opposite the name of each elector presenting himself to vote and in the order in which they present themselves : 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.

He designates, by a special mark on the list of electors, the names of those who have voted. Notes on list of electors.

Aid in preparing ballot-papers, &c.

122. The deputy-presiding officer, on application of any voter who is unable to read or write, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such voter who declares his incapacity, as aforesaid, under oath to be taken before the deputy-presiding officer or his representative :

1. By marking his ballot paper in favour of the candidate mentioned by such voter in the presence only of the sworn agents or of the sworn electors (as the case may be) ; and

Mention thereof in poll-book.

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

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

Spoiled ballot-paper.

123. 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 delivering the same to the deputy-presiding officer, obtain another ballot-paper.

Electors to apply only once for ballot-papers.

124. The elector who presents himself at the poll shall, on applying therefor, be given the number of ballot-papers required ; but he shall not repeat his request for the purpose of obtaining ballot-papers separately, after having withdrawn with a single ballot-paper, or upon an objection already entered in the poll-book against his request.

Vote tendered after previous vote in same name.

125. If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot-paper after another person has voted as such elector, he shall, upon taking the oath specified in article 116, be entitled to vote as any other elector.

Entry in poll-book.

Mention shall be made in the poll-book of the fact, as well as of the oath, taken by such voter, and of any objections made to such vote, by entering the name of the candidate on whose behalf such objections have been raised.

Interpreter.

126. Whenever the deputy-presiding officer shall not understand the language spoken by any elector claiming to vote, he shall swear in an interpreter, administering the following oath :

Oath.

" I swear (or affirm) that I will faithfully translate the oaths, declarations, affirmations, questions and answers which the deputy-presiding officer shall require me to translate, respecting this election. So help me God."

Delay to be avoided.

127. Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot-paper or ballot-papers have been put into the ballot-box.

128. No elector shall be allowed to take his ballot-papers out of the poll under the penalty of being *ipso facto* deprived of his right to vote, and further of incurring a penalty not exceeding one hundred dollars, and, in default of payment, imprisonment not exceeding three months.

Taking-ballot paper away prohibited.

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

Exhibiting it also prohibited.

130. With the exception of the case of article 122, no person shall interfere with, or attempt to interfere with an elector when preparing his ballot-paper, or otherwise make any attempt to obtain, at the poll, information as to the name of the candidate for whom any elector is about to vote or has voted at such poll.

Interference prohibited.

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

Secrecy as to voting.

132. None of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not applied for a ballot-paper, or voted, at that poll.

Secrecy as to ballots applied for.

133. 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.

Information as to voting not to be given.

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

Penalty.

135. Whoever fraudulently puts or attempts to put into any ballot-box any paper other than the ballot-paper, which he is authorized by law to put in, shall, for each offence, incur a penalty of two hundred dollars, and imprisonment for six months, in default of payment.

Penalty for certain offences as to ballot-paper.

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

Vote not to be disclosed.

137. Every person, who, at an election of an alderman of the city, unlawfully attempts to vote or votes for and in

Person voting in place of

another elector to be arrested on view.

the place of another elector, shall be arrested on view by one of the deputy-presiding officers or a justice of the peace of the city, or by any other peace officer or constable present at such election, or under a warrant issued by a justice of the peace; and the person so arrested shall be taken and kept or confined in a police station of the city, until the close of the said election, and until good and sufficient surety be given that the person so arrested shall appear, to answer the charge to be brought against him in that respect, before the Recorder's Court or before a justice of the peace.

Where imprisoned.

Penalty

138. Every person condemned for an offence, as aforesaid, shall incur and pay a penalty not exceeding one hundred dollars, and, in default of immediate payment, shall be liable for each such offence to imprisonment for a period not exceeding three months, unless such fine be previously paid.

Counting ballot-papers after polling.

139. Immediately after the close of the poll, the deputy-presiding 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 their agents, in the presence of at least three electors, open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate.

Rejected ballot-papers.

140. The deputy-presiding 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 ballot-papers by which more than one vote has been given;
3. All those upon which there is any writing, marks, or indications by which the voter might be identified

Ballot-papers counted and replaced in box.

141. After the other ballot-papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot-papers rejected, all the ballot-papers indicating the votes for each candidate shall be put into separate sealed envelopes or parcels; those rejected shall also be put into a different sealed envelope or parcel.

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

Report to presiding officer.

Within one hour from the closing of the poll, the deputy-presiding officer shall make a report to the presiding officer, stating the number of the votes given to each candidate and the number of ballot-papers rejected.

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

Objections
noted and de-
cided.

His decision shall be final, and shall only be reversed on petition contesting the election or return.

Decision final.

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

Numbering of
objections.

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

Statement to
be made out
by deputy-
presiding offi-
cer.

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

He shall make and keep a copy of such statement and enclose the original in the ballot-box.

Placed in box.

144. He also places in the ballot-box all lists of electors used by him, after having written at the foot of each of such lists a statement certifying to 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 lists or other documents that may have been used or required at such election, shall also be placed by the deputy-presiding officer in the ballot-box.

Documents to
be placed in
box.

145. The ballot-box is then locked and sealed, and returned to the presiding officer or to his assistant.

Locking and
returning box.

146. If either of these officers be unable to receive or collect the ballot-boxes, such boxes are delivered to one or more persons specially appointed for that purpose by the presiding officer.

Delivery of
boxes.

Such persons, on delivering the ballot-boxes to the presiding officer, take the oath given in a form prepared by the council.

Oath on de-
livering.

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

Certificate of
number of
votes, &c.

148. 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.

Secrecy at
counting.

None of such persons shall attempt to ascertain, at such counting, the name of the voter whose vote is given in any particular ballot-paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

Penalty.

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

Opening of boxes and counting of votes.

149. On the day following the election, at the hour of ten in the forenoon, the presiding officer shall, in the office of the corporation at the city hall, open the ballot-boxes in the presence of two witnesses, as also in the presence of the candidates, or their respective agents, if they are present, and shall ascertain the number of votes given at the polls for each candidate, from the statements found in the several ballot-boxes returned by the deputy-presiding officers.

Proclamation of persons elected.

150. After the final counting of the votes, the presiding officer declares and proclaims elected to the office of alderman the candidate who has obtained the largest number of votes in such ward.

To be filed.

Such declaration shall be filed in the office of the council and form part of the archives.

Ballot-papers to be kept for certain time afterwards.

151. After the final counting of the votes, the secretary-treasurer wraps up all the documents and ballot-papers in a single parcel, which he shall seal, and shall keep in the office of the council for at least forty days; after the expiration of such delay he may destroy what is not required, if there be no contestation of the election.

Loss of boxes, &c.

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

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

Manner of ascertaining number of votes given, when boxes are missing, &c.

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

In case the presiding officer cannot ascertain, to his satisfaction, who has been elected, the council, at its first session, appoints one of the two candidates to the office, and the proceedings of the election for such office shall be void.

Council to appoint in certain cases.

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

Report of presiding officer.

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

Proclamation of candidate elected.

156. In the case of an equality of votes for any of the said offices of aldermen, the council determines who is elected.

When council determines who is elected

157. The council may, by by-law, make all forms or schedules, and modify the details of the proceedings in the manner of conducting elections and receiving ballot-papers; provided that, in so doing, it do not adopt provisions inconsistent with the principle of elections by ballot.

Council by by-law to make forms or schedules required for elections.

158. The aldermen for each ward are elected for two years.

Aldermen to be elected for two years.

159. Four out of the eight aldermen of the city, one from each ward, shall continue to go out of office at the following general elections, and so on, from year to year, so that four aldermen, one for each ward, shall continue to be yearly replaced.

When aldermen go out of office.

160. The mayor shall be elected for one year, by the majority of all the municipal electors of the city qualified to vote and having voted at the election. The election shall be by ballot, according to the provisions hereinabove set forth for the election of aldermen, *mutatis mutandis*; with this difference that an elector, qualified to vote in more than one ward of the city, can vote only once for mayor.

Mayor elected for one year.

The polls in which votes shall be registered for the election of aldermen in each ward shall be at the same time the polls for the election of mayor.

Where polls to be held.

161. When a person is elected at the same time mayor of the city and alderman for one of the wards thereof, he shall choose the office he intends to hold, within four days from the date of his being notified of his election.

Declaration to be made if person elected mayor and alderman.

Vacancy in
such case and
how filled.

In such case, the office given up by the candidate shall, *ipso facto*, become vacant, and, if the vacancy be in the office of mayor, the election of a substitute is forthwith proceeded with on the day fixed by the council, and such election is held in the manner prescribed for general elections. If the office of alderman be vacant, such vacancy is filled in the manner prescribed by article 91 of this charter.

SECTION II.

OTHER VACANCIES IN THE OFFICES OF MAYOR OR ALDERMAN.

When vacan-
cy occurs.

162. The office of mayor or alderman becomes vacant in each of the following cases:

1. When a person has been appointed mayor or alderman, who is exempt from serving as such, or becomes exempt during his occupancy thereof, and complies with article 60;

2. In the case of refusal to accept or continue to perform the office;

3. When the mayor or alderman, no longer has his domicile or place of business within the limits of the municipality;

4. When the mayor or alderman is declared bankrupt, or becomes insolvent, or has applied to obtain the benefit of any of the laws respecting insolvency;

5. When the mayor or any alderman, after his appointment, has come under one of the disqualifications established by law and has complied with article 54;

6. In the case of absence of the mayor or alderman from the municipality, or of inability to act through sickness, infirmity or otherwise, during the period of three months consecutively, subject, however, to the provisions of article 38;

7. When the resignation of the mayor or of any alderman has been accepted by the council, or when the office has been declared vacant in virtue of article 55, or when the election has been annulled;

8. In the case of death.

Proviso.

Notwithstanding any vacancy in the council, the members thereof, remaining in office, continue to exercise their powers and to fulfill their duties assuch.

Vacancy how
filled.

163. When a vacancy occurs in the office of mayor or alderman, the election of a substitute is forthwith proceeded with, on the day fixed by the council; and such election is held in the manner prescribed for general elections.

SECTION III.

CONTESTATION OF THE ELECTION OF MAYOR OR ALDERMEN.

164. Any election of a mayor or alderman may be con-
 tested by any candidate or by five municipal electors, on
 the ground of violence, corruption, fraud or want of quali-
 fication, or on the ground of the non-observance of the ne-
 cessary formalities.

Contestation.

The examination and decision of such contestation is
 vested in the Superior Court of the district.

Court before
which tried.

165. Such contestation is made by a petition in which
 are set forth the facts and reasons alleged in support of the
 contestation.

Petition.

The petitioners may also, in their petition, indicate the
 persons who have a right to the office in question, and state
 the facts necessary to establish such right.

166. Within fifteen days from the date of such election
 a copy of the petition, with a notice stating the day on
 which it will be presented, shall be served upon and left
 with each member of the council whose election is con-
 tested, otherwise the right of contesting shall be forfeited.

Service.

167. No such petition shall be presented or received
 after the thirty days following the date on which the elec-
 tion contested was held.

When to be
presented.

168. Before the service of the petition, the petitioner
 gives security for costs, otherwise such petition shall not
 be received by the court.

Security.

169. The security required by the foregoing article is
 given before the prothonotary.

Before whom
given.

The sureties shall be owners of real estate to the value
 of two hundred dollars, over and above any incumbrances
 there may be on such property.

Qualification
of sureties.

Provided he is owner of real estate of the required value,
 one surety shall suffice.

One surety.

170. Such petition, together with the returns of the
 preliminary services, is presented in open court, or to a
 judge in chambers.

Presentation
of petition.

If the petition is to be presented to a judge in chambers
 and the judge is absent, it is filed in the prothonotary's
 office.

Absence of
judge.

171. If, after having heard the parties, the court or the
 judge is of opinion that the grounds set forth in the peti-
 tion are sufficient in law to have the election declared null,

Proof and
hearing.

he orders proof to be adduced and the parties interested to be heard, on the day deemed the most convenient.

Summary proceedings. **172.** The court or the judge proceeds in a summary manner to hear and decide such contestation.

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

Judgment. **173.** The court or the judge, by the judgment, may confirm or annul the election, or declare that one or more other persons have been duly elected.

Costs. **174.** The court or the judge may condemn either of the parties to pay the costs of the contestation ; and such costs are recoverable as well against the parties to the suit as against their sureties.

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

Service of judgment. **175.** The tribunal may order that its judgment, if it annul the election, be served, at the expense of the party against whom the judgment has been given, upon the mayor or upon any other person it may deem proper.

Case to be continued in vacation. **176.** If the trial of the contestation is not concluded at the close of the term of the court during which the petition was presented, the sitting judge shall continue it without interruption during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of the contestation.

Continuation of case heard in chambers. If the petition has been presented in chambers, the judge continues the case from day to day until his judgment has been rendered.

TITLE IV.

THE COUNCIL.

SECTION I.

SITTINGS OF THE COUNCIL.

First session. **177.** The first session of the council after the annual election, is held on the Wednesday next after the closing of the election.

General session. Such session is a general session of the council.

Ordinary sessions. **178.** Unless otherwise provided in virtue of article 287, the council further holds general or ordinary sessions, on the first Wednesday of each month.

179. The council shall sit in the city-hall, unless another locality, within the limits of the municipality, be determined on by resolution. Where held.

If the day fixed for an ordinary session, by the provisions of this charter or by the by-laws of the council falls upon a holiday, such session is held on the following juridical day. Holidays.

180. By special notice of such session given to all the members of the council, other than those summoning the same, a special session of the council may be convened, at any time, by the mayor, or by the secretary-treasurer, or by two members of the council. Special sessions.

181. At a special session, the subjects or matters mentioned in the notice calling the council together shall alone be taken into consideration. Subjects to be considered.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served, in conformity with the requirements of this charter, upon the members of the council who are not present at the opening of the sitting, and upon whom the notice should have been served. Preliminary proceedings.

If it appears that the notice of meeting has not been served on all the absent members who should have been served, the session shall, under penalty of all its proceedings being null, be immediately closed. If notice not served.

182. The notice convening every special session of the council, as well as the notice of adjournment in the case of article 189, shall be given to the members of the council at least twenty-four hours before the time fixed for the session or the resumption of the adjourned session. Notice convening.

Unless otherwise determined by the notice of the meeting, by an adjournment, or a by-law or resolution of the council, the sessions commence at the hour of seven in the evening. Hour.

183. All the meetings of the council of the city shall be public, except only when the council shall meet to enquire into the conduct of any of its own members or of any of its employees, or when it shall have to open tenders asked for, for public works or other purposes whatever, or to grant tavern licences, in all which cases it shall be lawful for the said council to sit with closed doors. Publicity of meetings of the council. Prov so.

184. Until otherwise provided under article 287, the sessions last but for one sitting unless adjourned. Duration of sessions.

It shall, nevertheless, be lawful for the council to adjourn any meeting, whether general or special, to a sub- Power to adjourn.

sequent hour of the same day or to a subsequent day, and to as many other subsequent days as the said council may deem necessary, and, if there be a quorum of the members of the council at the time of the adjournment of any such meeting, it shall not be necessary to notify the absent members of the council of such adjournment.

President of council.

185. The sessions of the council are presided over by the mayor, or, in default of the mayor, by the pro-mayor, or, in default of both, by any member chosen from the aldermen present, and, in the case of the aldermen not agreeing, by the person chosen by lot.

Order and decorum.

The officer presiding over the council maintains order and decorum, and decides questions of order, saving an appeal to the council.

Decision of disputed questions.

186. Every disputed question is decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council are required.

The mayor may give his opinion, but may not vote except in the case of equal division of votes.

The pro-mayor, or any other alderman who presides, apart from the mayor, may vote whenever any question is put to the vote; and, in case of an equal division of votes, he has, in addition, the casting vote.

In case of an equal division of votes, the presiding officer is always bound to give the casting vote, giving his reasons therefor if he so please.

Member interested.

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

Decision of council thereon.

The council, in case of dispute, shall decide whether the member has a personal interest in the question, and such member has no right to vote on the question of his interest.

Restriction.

This article does not apply to the naming of committees.

Voting to be open.

188. Members of the council are not permitted to vote by ballot; when demanded, the votes are always recorded in the minutes of the proceedings of the council.

No quorum.

189. Two members of the council, when there is no quorum, may adjourn the session, one hour after the want of a quorum has been established.

Entry in minutes.

2. The hour of adjournment and the names of the members of the council present are entered in the minutes of the sitting, in the register of proceedings of the council.

Notice of adjournment.

3. In such case, a special notice of the adjournment is given by the secretary-treasurer to the members of the council not present at the time of the adjournment.

The service of such notice is established, when the adjourned session is resumed, in the same manner as in the case of the notice summoning a special session, and the absence of the service of such notice renders null all proceedings adopted at such part of the adjourned session.

Service of
notice.

SECTION II.

COMMITTEES.

190. The council may appoint committees, composed of as many of its members as it deems convenient, to whom it delegates its powers respecting the examination of any question, the management of any business or particular kind of business, or the execution of certain duties.

Appointment
of commit-
tees.

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

Reports.

No report or order whatever of a committee has any effect, until it has been adopted by the council at a regular session, save in the case of article 193.

Their effect.

192. Every one, who is entitled to be heard before the council or its committees, may be so heard in person or by any other person acting on his behalf, whether authorized by power of attorney or not.

Appearance
by attorney.

He may also produce and examine witnesses.

Witnesses.

193. The council or its committees may, on every question or matter pending before them :

Powers to ex-
amine wit-
ness, &c.

1. Take communication of all documents or writings produced in evidence ;

2. Summon any person residing in the municipality ;

3. Examine under oath or affirmation the parties and the witnesses produced by the parties, and administer or cause to be administered to them an oath or affirmation by one of their members or by the secretary-treasurer.

194. If any one so summoned before the council or the committees fails, without just cause, to appear at the time and place mentioned in the summons, when compensation has been paid or offered to him for his reasonable traveling expenses for going and returning, and fifty cents a day for his time, he incurs a penalty of not less than four or more than ten dollars, or imprisonment not exceeding fifteen days.

Refusal to ap-
pear.

TITLE V.

OFFICERS OF THE COUNCIL.

SECTION I.

GENERAL PROVISIONS.

Clerk or
secretary-
treasurer.
Club.

195. The council shall always have an officer as keeper of its office and archives, styled the "clerk" or "secretary-treasurer."

Auditors and
valuators.

It is also the duty of the council to appoint, in the month of March each year, one or two auditors and two or more valuers at its own expense; and such valuers shall remain in office until the appointment of their successors.

Vacancies.

If the place of any municipal officer becomes vacant, such vacancy is filled by the council without delay.

Terms of
office of sub-
stitute.

Every officer, appointed to replace another, holds office only for the remainder of the time for which his predecessor was appointed.

Removal of
of officers.

196. Any municipal officer may be removed by the council.

Mode of dis-
missal.

197. Every appointment or removal of a municipal officer is made by resolution of the council; such resolution is communicated without delay, by the secretary-treasurer, to the person who is referred to therein.

Oath of office.

198. Every municipal officer, who is bound to take the oath of office before entering upon his duties, shall do so within the fifteen days which follow the notice of his appointment.

Default to
take oath.

In default of his so doing, he is deemed to have refused to discharge the duties of the office to which he is appointed, and is liable to the penalties prescribed for such refusal, except in cases where another delay is fixed by the charter.

Proviso.

Without prejudice, however, to the costs of proceedings instituted against him, he may, nevertheless, until the vacancy caused by his refusal be filled up, enter upon his functions and exercise the same, if he is capable of so doing.

Certificate of
taking oath.

199. The certificate, attesting that an oath of office has been taken by any municipal officer, is filed, without delay, in the office of the council, by the person who has taken such oath, except in cases otherwise provided for by this charter.

Duty of officer
retiring.

200. A municipal officer, who has ceased to discharge the duties of his office, is bound to deliver, within eight days next following, to the mayor, or at the office of the

council, or to his successor, all the moneys, keys, books, papers, insignia, documents, archives and things belonging to such office.

201. If any municipal officer dies, or absents himself from the district, his representatives are bound, within one month from such death or absence, to deliver to his successor, or at the office of the council, the moneys, keys, books, papers, insignia, documents, archives and things belonging to the office so held by him. If dead or absent.

202. The corporation is entitled, in addition to any other legal recourse whatsoever, to recover by process of reversion, from such officer or his representatives, all such articles with costs and damages. Rights of corporation to revendicate.

203. The corporation may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up, such articles and moneys. Idem.

204. A municipal officer, in whose hands is deposited or filed any document whatsoever, is bound, on demand, to give a receipt therefor. Receipt of documents.

If the document deposited or filed ought to form part of the archives of the council, it is the duty of the municipal officer, with all possible speed, to file it among them. Filing of documents.

Save in special cases otherwise provided for, whenever an act must be executed by more than two municipal officers, it may be validly executed by the majority of such officers. Action of majority, legal.

205. Except in particular cases where such power is conferred upon it, the council cannot, in any manner, discharge or exempt its officers from the performance of the duties imposed by the provisions of the charter. No exemption from performance of duties to be granted.

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

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

In addition to the fees and penalties which it may receive under the authority of this charter, or of any other act, or of the by-laws of the council, the latter may likewise fix the remuneration of municipal officers by the city. Remuneration by city.

City respon-
sible for acts
of officers.

207. The city is responsible for the acts of the officers of the council, in the execution of the functions in which they are employed, and also for all damages resulting from their refusal to discharge or negligence in discharging their duties, saving its recourse against such officers.

Officers liable
to city only.

208. Save in so far as penalties incurred by them are concerned, which penalties may be recovered according to title XIV of the charter, municipal officers are liable for their acts, or in damages arising from their refusal or neglect to discharge their duties, to the city only.

SECTION II.

CLERK OR SECRETARY-TREASURER.

Duration in
office.

209. The secretary-treasurer remains in office during the pleasure of the council.

Oath of office.

210. The secretary-treasurer, before acting as such, makes oath to discharge well and faithfully the duties of his office, and, within thirty days next following, gives

Security.

security in the manner prescribed by the charter.

Assistant-sec-
retary-treas-
urer.

211. The secretary-treasurer may, from time to time, under his hand, appoint an "assistant-secretary-treasurer," who may perform all the duties of the office of secretary-treasurer, with the same rights, powers and privileges, and under the same obligations and penalties as the secretary-treasurer himself, except as regards giving security.

Powers and
duties.

Duties in cer-
tain event.

In the case of a vacancy in the office of the secretary-treasurer, the assistant-secretary-treasurer continues to perform the duties of the office, until the vacancy is filled.

Oath and en-
try into office.
Removal.

The assistant-secretary-treasurer enters into office after making oath to discharge well and faithfully the duties of such office; he may be removed or superseded at pleasure by the secretary-treasurer.

Responsibili-
ty.

In the performance of his functions, he acts under the responsibility of the secretary-treasurer who appointed him.

Sureties ap-
proved.

212. The secretary-treasurer furnishes either one or two sureties, whose names should have been first approved by resolution of the council.

Responsibility
of societies.

213. The sureties bind themselves, jointly and severally with the secretary-treasurer, towards the corporation, for the due performance of the duties of his office and for the payment of all moneys, for which the latter, in the exercise

of his office, may be accountable, whether in principal, interest, costs, penalties or damages.

214. The security is given by deed in authentic form and accepted by the mayor. Form and contents of deed of guarantee.
It must constitute a hypothec, for the sum of at least one thousand dollars, on real estate sufficient to guarantee the payment of such sum.

215. By giving notice in writing of their intention to the secretary-treasurer himself and to the mayor, the sureties of the secretary-treasurer may, at any time, free themselves from future liability under their bond, at the expiration of thirty days after the service of such notice. Discharge of sureties.

Such notice is given and served by a notary or by the surety himself, by a writing delivered in presence of one witness who signs. Notice.

The secretary-treasurer shall, within thirty days after the service of such notice, furnish other sureties in lieu of those who have withdrawn; in default of his so doing, he shall not, under a penalty of twenty dollars for each infraction of this provision, discharge any of the functions of his office. Other sureties to be furnished.

216. Whenever one of his sureties dies, becomes insolvent or bankrupt, the secretary-treasurer shall, so soon as he becomes aware of such fact, inform the mayor thereof in writing, and he shall replace such surety within the thirty days next following, and, in default of his so doing, he shall not perform any of the duties of his office, under the penalties prescribed by the preceding article. Death or insolvency of sureties.

217. After they are freed from future liability under their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, the sureties of the secretary-treasurer may exact from the mayor a certificate of discharge for the future, which certificate, after registration thereof, discharges thenceforth the immoveables hypothecated by such surety bond. Certificate of discharge.

218. The mayor may, on the authorization of the council, sign the discharge of the hypothec given by the sureties of the secretary-treasurer, in cases where such discharge may be asked for and granted. Discharge of hypothec.

219. The municipal council may, if it deems it convenient, accept from the secretary-treasurer a guarantee policy of insurance, in place of hypothecary security. Guarantee insurance policy.

220. The secretary-treasurer has the custody of all the books, registers, plans, maps, archives and other documents Keeping of archives.

and papers, which are either the property of the corporation, or are produced, filed and preserved in the office of the council.

He shall not divest himself of the custody of such archives except with the permission of the council, or upon an order of a competent court.

Minutes.

221. He attends all sessions of the council, and draws up minutes of all the acts and proceedings thereof in a register kept for that purpose, and called "register of proceedings."

Approval thereof.

All minutes of the sittings of the council are approved by the council, signed by the president and countersigned by the secretary-treasurer.

What to contain.

Whenever a by-law or a resolution is amended or repealed, mention thereof shall be made in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal.

Certified copies and extracts.

222. Copies and extracts, certified by the secretary-treasurer from all books, registers, archives, documents and papers preserved in the office of the council, are evidence of their contents.

Charge of moneys.

223. The secretary-treasurer collects and has charge of all moneys due or payable to the corporation.

Deposit of moneys.

224. The secretary-treasurer may deposit in any corporate bank the moneys arising from municipal taxes or dues, or belonging to the city, and may allow them to remain there, until they are employed for the purposes for which they were levied, or until disposed of by the council.

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

Payment of moneys.

225. Whenever authorized so to do by the council, he pays, out of the funds of the city, all sums of money due by it.

Authorization of mayor.

2. If the sum to be paid does not exceed ten dollars, the authorization of the mayor is sufficient.

Without authorization.

3. Even in the absence of authorization from the council or from the mayor, he pays, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded, by any one empowered so to do by the provisions of the charter, or by the by-laws of the council.

Indication of application in draft.

4. No draft or order can, however, be legally paid, unless the same shall show sufficiently the nature of the use to be made of the sum therein mentioned.

226. Under penalty of a fine of twenty dollars for each Penalty for: infraction, no secretary-treasurer shall :

1. Grant discharges to rate-payers or other persons indebted to the city for municipal taxes or other debts, without having actually received the amount in cash or in Giving discharges unless money received ; lawful value ;

2. Lend, directly or indirectly, by himself or by others, Loaning mon- to rate-payers or other persons whomsoever, moneys received eys. in payment of municipal taxes or belonging to the city.

227. On office days, between the hours of nine in the Archives, &c., morning and four in the afternoon, the secretary-treasurer's open to in- books of account and vouchers for his expenditure, together spection. with all the registers and documents in his possession as archives of the council, are open for inspection and examination to members of the council, to municipal officers, to every interested party, and to all rate-payers of the city, or their attorneys.

228. Upon payment of his fees, the secretary-treasurer Delivery of is bound to deliver, to any person applying for the same, copies or ex- copies or extracts from any book, roll, register, document tracts. or other paper, which forms part of the archives.

2. It is also his duty to send, without delay, by mail, to Notices, etc., the principal place of business of any corporation or rail- to be sent to way company, which has filed in the office of the council railway and a general application to that effect, and has made such other compa- principal place of business known, a certified copy of every nies. public notice, by-law, resolution, *procès-verbal*, filed for homologation or homologated, which affects such corporation or company, as well as a certified extract from the valuation roll, including the valuation of the taxable property of such corporation or company, together with a bill of his fees, which the corporation or company is bound to pay immediately on receipt of such document.

Until such fees are established under article 206, they Fees on no- are ten cents per hundred words, and fifty cents for the tice. certificate, unless otherwise fixed by the provisions of the charter. Nevertheless, any copy or extract, required by Gratuitous the Lieutenant-Governor, or by the council or its officers, copies. shall be furnished gratuitously by the secretary-treasurer.

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

230. The secretary-treasurer, or whoever may have filled Action to the office, may be sued by the corporation to render such account. account.

Condemnation that may be made thereby.

In such action, he may be condemned to render an account, and, if he renders it, to pay the sum which he admits to be due, or which he is declared to owe, together with all such other sums as he ought to have debited himself with, or which the court holds him accountable for, with interest and costs of suit.

Coercive imprisonment.

Every such judgment carries with it coercive imprisonment if the same has been demanded in such action to account.

Statement to be sent to Provincial Secretary.

231. The secretary-treasurer, between the first and thirty-first days of January, in each year, transmits to the Provincial Secretary a return showing :

1. The name of the corporation ;
2. The estimated value of the taxable real estate ;
3. The estimated value of the real estate not subject to taxation ;
4. The number of persons paying taxes ;
5. The rate of assessment in the dollar imposed for all purposes whatsoever ;
6. The value of the property of the corporation ;
7. The amount of taxes collected within the year ;
8. All other sums collected ;
9. The amount of arrears of taxes ;
10. The capital amount due to the Consolidated Municipal Loan Fund ;
11. The amount of loans raised by the corporation by means of debentures or otherwise ;
12. The rate and the amount of interest due upon such loans ;
13. All other debts ;
14. The amount raised by loan within the year ;
15. The expenditure for salaries, and other expenditure for municipal administration ;
16. All other expenditure ;
17. The number of persons resident in the municipality.

Prescription of claims against secretary-treasurer.

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

Office of secretary-treasurer.

233. The office of the secretary-treasurer shall be established in the place where the sessions of the council are held, or in any other place fixed, from time to time, by resolution of the council.

List of jurors and electors of Legislative in Assembly.

234. The secretary-treasurer is bound to perform whatever it is his duty to perform, under the provisions of the law respecting the jury list and the list of electors for the election of members of the Legislative Assembly.

SECTION III.

AUDITORS.

235. The auditors enter on their functions as soon as they have taken the oath to well and faithfully discharge the duties of their office. Entering into office and oath.

They remain in office until the entry into office of their successors. Duration in office.

No one can be appointed an auditor who is unable to read and write. Qualification.

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

Such report shall include all the financial affairs of the corporation for the preceding twelve months.

237. The auditors appointed by the council may be chosen outside of the limits of the city. Auditors may be outsiders.

SECTION IV.

VALUATORS.

238. No person shall be a valuator unless he, as proprietor, possesses, in the city, either in his own name or in that of his wife, real estate to the value of eight hundred dollars, according to the valuation roll in force. Qualifications.

239. Valuators, in the execution of their duty, may demand the services either of the secretary-treasurer or of any other clerk. May employ clerk.

The secretary-treasurer or clerk, whose services have been required, is entitled, for every day during which he is employed, to a sum not exceeding two dollars, payable by the corporation, on the certificate of the valuator who employed him. His fees.

240. The remuneration of the valuator is fixed by the council. Remuneration of valuator.

241. Before entering into office the valuator take and subscribe the oath in the form E. Oath of valuator.

TITLE VI.

MUNICIPAL NOTICES.

242. Every notice given, under the provisions of the charter, or of the orders of the council, or for municipal notices, &c. Publication of notices, &c.

purposes, shall be drawn up, and published or served, in accordance with the formalities prescribed in the following articles.

Notices. **243.** Every notice is either special or public, and shall be given in writing.

Publication and service. **244.** Public notices are published ; special notices are served.

Copy, by whom certified. **245.** Every copy of a notice which must be served, published or posted up, shall be attested either by the person who gives such notice or by the secretary-treasurer of the council.

Certificate of publication or service. **246.** The original of every notice is accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

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

Special notice how served. **247.** Except in cases where the service is made by mail, the service of a special notice is effected by leaving a copy of the notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or at his place of business, even when occupied by him in partnership with some other person.

Agents of absent taxpayer. **248.** Every owner of land or tax-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Notice served on agent. **249.** The special notice addressed to an absent proprietor or tax-payer, who has appointed an agent residing in the municipality, must be served on such agent, in the same manner as on a resident proprietor.

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

Absentee without agent or address. **250.** Unless such proprietor has made known his address in writing by filing the same in the office of the council, no one is bound to give a special notice to any absent proprietor who has not appointed an agent.

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

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

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

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

In default of places determined upon by the council, the public notice is posted upon or near the principal door of at least one place of public worship, and at some other place of public resort in the city.

255. Whenever a notice is ordered to be published in one or more newspapers, such notice is inserted in newspapers published at least once a week in the city, if there are any, if not, in the district of Montreal. In newspapers.

256. The same rule applies when such notice must appear in two newspapers published in different languages. If newspapers published in different languages.

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

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

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

259. Except in cases otherwise provided for, public notices are applicable to and binding upon proprietors or tax-payers domiciled out of the municipality, in the same manner as upon residents. Public notices as regards absentees.

When irregular notices become valid.

260. Whosoever has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, cannot thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service.

TITLE VII.

POWERS OF THE COUNCIL.

SECTION I.

GENERAL PROVISIONS.

Extent of jurisdiction.

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

How exercised.

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

Duties of council.

263. The council, in the discharge of its functions, shall, fulfill all the formalities prescribed by the charter and by the by-laws in force in the municipality.

Powers of Superior Court to set aside *procès-verbal*, etc.

264. Any *procès-verbal*, roll, resolution or other order of the council, may be set aside by the Superior Court of the district, by reason of illegality, in the same manner, within the same delay, and with the same effect as a by-law of the council, and shall be subject to the provisions of articles 274 and 284.

Council acts, how published.

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

Return of exhibits.

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

Service upon council.

267. Every service, which should be made at the office of the council, may, with equal validity, be made outside of such office, upon the secretary-treasurer personally.

SECTION II.

BY-LAWS OF THE COUNCIL.

268. The original of every by-law, to be authentic, shall be signed by the presiding officer of the council, at the time of the passing of such by-law, and by the secretary-treasurer. Signature to originals.

If such by-law should have been submitted for the approval of the municipal electors before coming into force, and such approval has been given, a certificate, under the signatures of the mayor and the secretary-treasurer establishing the fact, shall accompany the original of such by-law and form part thereof. Certificate required in certain cases.

269. The original of every by-law is registered at length in a special book entitled: "book of the by-laws of the council of the city of St. Henri;" and such entry is signed by the mayor and countersigned by the secretary-treasurer. Book of by-laws.

The secretary-treasurer shall, further, enter in such book, at the foot of every by-law registered therein, a copy certified by himself of the notice of publication of such by-law. Entry of certificate of publication.

270. One and the same by-laws may regulate several of the objects mentioned in the provisions of the charter. By-laws regulating several objects.

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

271. Saving always those cases otherwise provided for under the provisions of the charter, the by-laws of the council come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication. By-laws coming into effect.

272. The by-laws which, in virtue of their own provisions, or those of the charter, do not come into force until after the expiration of a certain period, shall be published at least fifteen days before such period. When certain by-laws are to be published.

273. The by-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, by a public notice in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication may be taken thereof. How published.

- Notice. Such notice is given under the signature of the secretary-treasurer, and published in the ordinary manner.
- What to contain if approved by electors. If the by-law be approved of by the municipal electors, the notice and publication also mentions that such formality has been observed, and the date upon which it was complied with.
- Publication in newspapers. The council may, moreover, publish its by-laws in one or more newspapers.
- How long to remain in force. **274.** By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made.
- Repeal of by-laws approved by municipal electors. **275.** By-laws which, before coming into force and effect have been submitted for the approval of the municipal electors, cannot be amended or repealed except by another by-law approved in the same manner.
- How by-laws are to be amended. Notice required. **276.** The repeal or amendment of any by-law can only be made by means of another by-law; and, before proposing such by-law, it is necessary that a notice should have been given at a previous session.
- Annulling of by-laws. **277.** Any municipal elector may, in his own name, by a petition presented to the Superior Court or to one of the judges thereof, demand and obtain, on the ground of illegality, the annulment of any by-law of the council, with costs against the corporation.
- Partial annulment. **278.** The annulment of a part only of a by-law may be demanded and obtained in the same way.
- Allegations of petition, etc. **279.** The petition shall set forth, in a clear and precise manner, the reasons alleged in support of the demand, and be accompanied by a certified copy of the by-law impugned, if such copy could be obtained.
- Production of copy of by-law. If such copy could not be obtained, the court or the judge, upon application being made to that effect, shall order the production thereof by the secretary-treasurer of the council, and the secretary-treasurer is, for such purposes, deemed to be an officer of the court giving such order.
- Service. **280.** The petition is served at the office of the council eight days at least before it is presented to the court or to the judge.
- Articles applicable to petition. **281.** The rules prescribed in articles 168, 169, 170, 171, 172, 174 and 176 apply also, *mutatis mutandis*, to the petition presented in virtue of the four preceding articles.

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

283. Every by-law or part of a by-law, so annulled, ceases to be in force from the date of the judgment. Effect of annulment.

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

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

SECTION III.

GENERAL POWER TO MAKE CERTAIN BY-LAWS.

286. The council has the right to make, amend, repeal or replace, in whole or in part, from time to time, by-laws which refer to itself, its officers, or the municipality, upon any of the following subjects : Powers of council to make by-laws respecting :

§ 1.—*Government of the Council and its officers.*

287. To regulate the manner in which debates are to be carried on, and order and decorum preserved during the sittings of the council or of the committees. Sittings.

2. To determine the period of the ordinary sessions of the council and to fix the number of days such sessions may last. Date and length of sessions.

288. To order that the municipal by-laws, before the passing thereof, be read two or three times, either on the same or on different days. Reading of by-laws.

289. To define the duties of the officers of the council, not determined by this charter. Duties of officers.

§ 2.—*Aid in the construction, improvement and maintenance of public works or undertakings foreign to the corporation.*

290. To assist by money, granted or lent, in the construction, repair or maintenance of any road leading to the municipality, or of any bridge or public work, under the direction of the corporation. Roads leading to municipality, bridges, &c.

Public works,
&c.

291. To aid in the construction of any bridge, causeway, pier, wharf, slide, macadamized or paved road, railroad, or other public works, or any manufacturing establishment situated in whole or in part within the municipality or in its vicinity, undertaken and built by any incorporated company, or by the Provincial Government:

1. By taking and subscribing for shares in any company formed for such purpose;

2. By giving or lending money to such company or to the Provincial Government;

3. By guaranteeing, by endorsation or otherwise, any sum of money borrowed by such company;

4. By exempting from the payment of municipal taxes, assessments and dues, certain industrial establishments according to the provisions of articles 458, 459, 460, 461 and 462.

Telegraph
lines.

292. To subscribe for or hold stock in any company formed for the purpose of constructing electric telegraph lines.

Approval of
electors re-
quired.

293. Every by-law, passed in virtue of the preceding articles, shall, before coming into force and effect, be approved by the electors of the municipality who are proprietors, in the manner prescribed in articles 483, 484, 485, 486 and 487.

Conditions of
assistance.

294. By-laws, made in virtue of articles 290, 291 and 292, may determine the conditions under which the assistance or subscription for shares is authorized.

§ 3.—*Public Markets.*

Establish-
ment; lease
of stalls.

295. To establish, change, abolish or keep in order public markets, or places in which public markets are held; and to regulate the lease of stalls or stands therein or in their vicinity for the sale or offering for sale of every description of goods, merchandise or wares, or of any specific commodity.

Public weigh-
houses.

296. To establish and maintain public weigh-houses.

Superinten-
dents.

297. To determine and define the duties and powers of all officers employed in superintending public markets and weigh-houses, within the whole extent of the municipality.

General man-
agement.

298. Generally, to determine all matters relating to the management of public markets.

Tax for mar-
kets.

299. To impose a tax on all persons selling on the high roads, markets or market places of the corporation.

§ 4.—*Sale of Bread.*

300. To fix the weight and quality of each loaf sold or offered for sale in the city, and to prescribe the marks which it should bear.

Quality;
Quantity;
Marks.

§ 5.—*Sale of Intoxicating Liquors.*

301. To fix a sum not exceeding twenty dollars, payable for the granting of each certificate to obtain a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors, subject to the following provisions.

Granting certificates.

302. Over and above the annual dues or taxes which the city may impose under the provisions of its charter, it may pass a by-law to compel keepers of taverns, restaurants or hotels to pay for the granting of a license certificate a sum not exceeding fifty dollars.

Extra fee for license certificate for taverns, &c.

303. To prevent all transfers of hotel, restaurant or retail liquor store licenses, or to determine under what conditions and in what manner such transfers may be accepted by the Collector of Provincial Revenue; and to impose upon the applicants for such transfers a tax not to exceed one hundred dollars for the transfer of hotel, restaurant and tavern licenses, and not to exceed ten dollars for the transfer of licenses for retail liquor stores.

Transfers of licenses for hotels, &c.

Tax thereon.

304. To forbid children, apprentices or servants from frequenting inns, hotels, restaurants and shops, in which intoxicating liquors are sold.

Frequenting taverns.

§ 6.—*Masters and Servants.*

305. To regulate the conduct of apprentices, servants, hired persons, day-laborers, or journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former.

Conduct of masters and servants.

In default of by-laws made under this article, the provisions of the law respecting masters and servants, in force in rural municipalities, are applicable within the municipality.

In default of by-laws.

§ 7.—*Public Health.*

306. To take proper measures for securing the inhabitants of the city from contagious or pestilential diseases, or for diminishing the danger or effects resulting therefrom; and to establish one or more boards of health.

Contagious diseases; boards of health.

Power to regulate trades which might endanger public health or safety.

307. To regulate or prohibit the use or employment, within the said city, of all steam engines, oil refineries, slaughter-houses, rendering houses, glue or soap-manufactories, or of any factory whatsoever which may tend to vitiate the atmosphere or incommode the neighborhood, or of any establishment in which works, operations or processes are carried on which do, or are likely to endanger public health or safety ; and to prevent or permit the erection, use or employment thereof, subject to such restrictions, limitations and conditions as the council of the said city may deem necessary.

§ 8.—*Public Safety.*

Buckets and ladders, in case of fire.

308. To compel the proprietors or occupants of houses or other buildings to provide a fixed number of fire-buckets, and to have ladders from the ground to the eaves, and from the eaves to the ridge of the roof.

Carrying fire into certain buildings.

309. To prevent any person from entering any shed, stable, pig-sty, barn or out-house, with a light not in a closed lantern, or with a lighted cigar or pipe, or from carrying into the same any fire without proper precaution to prevent fires.

How fire to be lighted therein.

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

How to carry fire.

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

Combustible or inflammable substances.

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

Chimney sweeping.

313. To compel the owners or occupants of houses to have or permit their chimneys to be swept; to regulate the manner in which such chimneys shall be swept, and the number of times they shall be swept within a given period ; to name the sweeps to be employed, and to fix the amount payable to the sweeps or to the council.

Sweeps.

Sale of explosive substances.

314. To determine the precautions to be adopted in the sale of gunpowder or other explosive substances.

Quicklime or ashes.

315. To regulate the manner in which quicklime or ashes shall be kept or deposited.

316. To authorize certain persons to cause to be blown up, pulled down, or demolished such buildings as may appear necessary in order to arrest the progress of any fire, saving all damages and indemnity payable by the corporation to the proprietors of such buildings, to an amount agreed upon between the parties, or, on contestation, to an amount settled by arbitrators ;

Demolition in case of fire.

In the absence of any by-law under this article, the mayor may, during the course of any fire, exercise this power by giving a special authorization.

Power of mayor.

317. To authorize the formation and organization of one or more companies of firemen or sappers, and to determine the duties of the members of such companies.

Fire brigade.

318. To provide for the purchase of fire-engines or apparatus destined for the same purpose, and generally to adopt measures most calculated to prevent disasters by fire and to arrest the progress of fires.

Purchase of fire-engines ; general precautions.

319. To establish, authorize or cause to be established, after each fire in the city, an enquiry into the cause and origin of such fire ;

Inquiries into origin of fires.

For this purpose, the council, or a committee composed of two or more of its members by it authorized, may summon witnesses, and compel them to appear and give evidence, and examine them under oath, to be administered by any one of its members.

Powers to that effect.

320. To construct fire-proof buildings for the reception and storage of oils and other inflammable fluids, liquids or substances.

Depositories for inflammable substances.

321. To prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fires in the open air, on high-roads or in the neighborhood of any building, grove or fence, or to permit the same under certain conditions.

Setting off fire-works, &c.

322. To cause to be demolished and removed, all walls, chimneys or buildings dilapidated, in ruins or likely to fall, and to determine when, by what means, and at whose expense such demolition or removal shall be effected.

Dangerous buildings.

323. To prevent the erection of wooden buildings or fences in the city, or in any specified part thereof.

Wooden buildings, &c.

324. To forbid all proprietors whose properties front on St. James' street or on Notre-Dame street, within the limits of the city, from building any houses less than two and a half stories high, built of stone, brick, or wood

Materials of which houses are to be built in certain streets.

cased with brick, and to forbid every person from building anywhere within the city houses less than two stories high, unless, however, such new houses be cottages.

Snow on roofs. **325.** To compel the proprietor or occupant of any house or other building erected on a public street to remove the snow and ice from the roof of such house or building.

§ 9.—*Indemnities, relief and rewards.*

Indemnity in case of riot. **326.** To indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the city ;

Tax for that purpose. The council is authorized to levy, over and above any other tax, on the taxable property of the city, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or persons riotously assembled.

Recovery in law. In default of the council paying such damages, within six months, according to the decision of arbitrators, the city may be sued before any competent court for the damages so occasioned.

Persons injured at fires. **327.** To relieve any person who has received any wound or contracted any sickness or disease at a fire.

Meritorious actions at fires, &c. **328.** To grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning or from other serious accident.

Relief to families, &c. **329.** To provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save any one from a serious accident.

Poor, &c. **330.** To contribute to the maintenance or support of poor persons residing in the municipality, who, from infirmity, age, or other causes, are unable to earn their own livelihood.

Charitable institutions. **331.** To establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the destitute, and to aid charitable institutions established in the city or its neighborhood.

Reward for arrest of criminals. **332.** To offer and give rewards for the discovery and arrest of offenders against the criminal law.

§ 10.—*Decency and good morals.*

333. To suppress every kind of gambling, gambling-house and house of ill-fame. Gambling, gambling-houses, &c.

334. To permit any constable or police officer to enter and visit, at any hour of the day or night, any houses of ill-fame, bawdy house, or gambling house, and immediately bring before a justice of the peace in the city any person found in the said house or keeping the same, and contravening the law or the by-laws of the city, and to have such person summarily condemned to a fine not exceeding twenty-five dollars, payable at once and without delay, and in default thereof, to an imprisonment not exceeding two calendar months. Visiting of certain houses.

To permit every constable or police officer to enter at all times and at any hour of the day or night, and visit any tavern or place of public entertainment, in order to establish that no infringement of any of the by-laws of the city is being committed. Idem.

To arrest every person found drunk or disorderly in the public roads or streets, or in public or private fields, or any person shouting, swearing or insulting passers-by in the public roads or streets, or loitering by day or by night, in public or private fields and unable to give a satisfactory account of himself, and bring him before a justice of the peace, who may condemn him summarily, to a fine not exceeding twenty dollars, or to an imprisonment not exceeding two calendar months in default of payment. Disorderly persons.

335. To prohibit circuses, theatres and other public exhibitions from being held ; to regulate and permit them to be held upon such conditions as may be deemed fit. Public exhibitions.

To prevent races and all other horse or velocipede exercises upon any race course or place whatever, on Sundays and holidays of obligation. Races, &c., on Sundays.

336. To prevent cock-fights, dog-fights, and every other cruel amusement ; and punish any person taking part therein or being present thereat. Cock-fights, &c.

337. To prevent the posting up, or the making or writing of indecent placards, paintings, drawings, words or inscriptions, upon houses, walls and fences, and on roads or public squares. Indecent placards.

338. To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares, or to regulate the manner in which it may be done in such places. Public bathing.

Games of billiards, &c., in hotels, &c.

339. To prohibit the playing of games of billiards, pool, pigeon-hole, and bagatelle, in all hotels, taverns and restaurants, on Sundays.

§ 11.—*Public Nuisances.*

Stables, &c.

340. To compel proprietors or occupants of houses to clean their stables, cattle-sheds, pig-sties, sheds, privies, and the yards connected with such buildings, and to fix the time and manner in which they shall be drained.

Infectious substances.

341. To prevent the depositing or leaving within the city, or in the waters bordering on the same, of substances or matters from whence issue noxious gases or odors, such as dead bodies, coal oil, superphosphate of lime in course of preparation, the contents of privies and other unhealthy substances; and to regulate the mode of making such deposits.

Vicious dogs.

342. To cause dogs to be muzzled or tied up, to prevent them being permitted to go at large, or without their masters or keepers, and to authorize municipal officers to destroy, by poison or otherwise, vicious dogs and those found in contravention of municipal regulations.

Unhealthy places.

343. To oblige the owners or occupants of all groceries, cellars, manufactories, tanneries, drains or unhealthy and fetid places, to keep them clean and render them wholesome.

§ 12.—*Sewers.*

To construct sewers and to levy cost of same.

344. To order the construction of one or more common sewers in any street of the city, and to raise, by means of assessment upon all the owners of real estate situate in such street, a sum of money sufficient to pay the whole or part of the cost of constructing or repairing such sewers as the council may apportion the same between itself and the adjoining proprietors, provided always that the majority of such proprietors have petitioned for such sewers.

To regulate manner of making sewers, &c.

345. To regulate the manner in which such sewers shall be made and determine the means of payment and the manner of collecting the taxes or assessments for said sewers.

To make arrangements as to sewers, with city of Ste. Cunégonde.

346. To make any agreement which may be deemed necessary, and sanction and render valid any agreement already made with the city of Sainte Cunégonde or any other corporation respecting the sewers, either to obtain their passing within the limits of the city of Sainte Cuné-

gonde, or for any other purpose, and in consequence thereof to indemnify the city of Sainte Cunégonde to an amount deemed to be reasonable and agreed upon between the parties; the same powers are conferred upon the city of Sainte Cunégonde to ratify and confirm all agreements with the city of Saint Henri.

Power granted to the city of Ste Cunégonde to make such agreements.

347. To compel every owner or occupant of land in the city on which there is stagnant water, to drain or raise such land, in such manner that the neighbors be not incommoded or the public health injuriously affected.

Stagnant water.

If the owner of such land be unknown and have no representative in the city, or if he be too poor to drain or raise the same, the council may order the drainage or elevation of such land, at the expense of the corporation, saving recourse against the owner.

Unknown or poor owner.

§ 13.—*Ditches and Water-courses.*

348. To cause to be opened, dug, enlarged, covered and maintained any ditch necessary for drainage, any boundary or division ditch or any water-course situate in the city or beyond the limits thereof, as the council may deem advisable.

Opening and maintenance.

To determine the time and manner of making such works, as also the inhabitants of the city by whom or at whose expense the same shall be made.

Time for making.

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

Proviso as to payment of cost, etc., of certain drains, &c.

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

Tax for that purpose.

351. To impose penalties on any person obstructing, deranging, or suffering the obstruction or derangement of

Penalties,

ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws.

Carrying on
work at ex-
pense of city.

352. To carry on, at the expense of the city, for a definite or indefinite period, all works on ditches or water-courses.

§ 14.—*Streets and Highways.*

Opening and
maintenance
of streets.

353. To order the opening of new streets and the enlargement or alteration of existing streets, and to prescribe the mode of constructing and repairing the streets of the city, at the cost of the city or of the owners of adjacent lands, as the council may deem advisable, and according to such plans and conditions as it deems suitable.

Alignment,
&c.

354. To determine and change the alignment and the height or level of the streets or sidewalks of the city, provided always, that if any person suffers damage thereby, he receive compensation, to be settled by arbitrators.

Public
squares.

355. To open, enclose, embellish, improve and maintain, at the expense of the corporation, squares, parks, or public places conducive to the health and well being of the inhabitants of the city.

Sidewalks.

356. To oblige the owners of land situated on any road, street, square or public way, established in the city, to make and maintain in front of their properties, sidewalks of wood, stone or other material fixed upon, either throughout the whole city or only through a part thereof.

How to be
made.

To determine the manner of making and maintaining such sidewalks, and even make them at the expense of the city.

Encroach-
ments or pro-
jections.

357. To compel the owners or occupants of houses to remove from streets or public squares all encroachments or projections of any kind, such as steps, galleries, porches, posts, gates opening upon the public way, or other obstacles.

Removal of
snow.

358. To oblige every owner or occupant of land to remove, within a fixed delay, the snow from the sidewalks skirting such land.

Clearing of
streets.

359. To levy by assessment, upon all owners or occupants resident in any street or public place, funds sufficient to sweep, water, and keep clean any such street or public place or to remove the snow therefrom, provided that the majority of such persons have required it by petition,

Blocking up
of streets.

360. To prevent the streets being blocked up in any manner whatsoever.

361. To prevent driving at too rapid a rate, or prevent persons on horseback or on velocipedes, or in any other vehicle, from passing along the sidewalks. Rate of speed for vehicles, &c.

362. The council is bound to see that the roads, streets, sidewalks and public ways, save and except roads under the control of trustees, be constantly kept in good order ; and the city is responsible in damages for the bad state of such roads, streets, sidewalks and public ways. Responsibility of council for condition of streets.

363. It shall be lawful for the city to have plans or maps made of all the territory within the city, subject to its jurisdiction, with indication of the streets, lanes, public places, and squares, or of the new dimensions which the city council intends to give them ; and such plans or maps, when confirmed by the Superior Court, on petition to that effect, presented at least fifteen days after the first publication of a notice published two days consecutively in a French newspaper and in an English newspaper of the city of Montreal, shall be binding upon the city, the proprietors interested and all other persons whomsoever. Plans of city. Confirmation of plans.

364. When any new street, square or public place indicated on the said plans is opened, or when any street or public place indicated on the said plans is widened, no compensation or damages can be claimed or given for any building or improvement, which the proprietors and other persons shall have erected or made, or caused to be made, subsequent to the confirmation of such plan, on any land reserved either for new streets, or public places or squares, or for the widening or enlarging of the same ; provided, however, that nothing in this act shall be interpreted as taking from the city the right of widening or extending any street, public place or square, indicated on the plan, after the confirmation thereof, or of renouncing to the opening, widening or extending of any existing street as indicated on the plan ; but no alteration or modification of the kind shall be made unless it be decided upon at a meeting of the council, at which a majority of the members are present, on petition to that effect, signed by the majority of the proprietors on the street or part of the street, in which such changes are projected. When plan confirmed, no compensation allowed for certain buildings, &c. Proviso.

After which, any judge of the Superior Court may, on petition presented for that purpose by the corporation, after the same notices as above mentioned, order that the duplicate of the plan, deposited as herein below set forth, shall be altered or modified in consequence.

365. As soon as completed, a duplicate of each of such plans shall be deposited in the office of the prothonotary Plans to be deposited.

of the Superior Court for the District of Montreal, and another duplicate shall be deposited in the archives of the corporation, and, when such plans shall have been confirmed and ratified by the said court, the clerk of the city shall enter on the duplicate of each of such plans deposited in the archives of the corporation, a note of such confirmation as follows: "Confirmed by the Superior Court on the day of

Railways to
keep gates at
crossings, &c.

Penalty for
neglect.

366. To compel every railway company to erect gates and to keep gate-keepers at the expense of the company at each road or street crossed by such railway in the limits of the city, and to impose a fine not exceeding twenty dollars for every day such company shall refuse and neglect to erect such gates after having been called upon to do so.

Railways not
to obstruct
streets with
cars, &c.

Penalty for so
doing.

367. To prevent the obstruction of streets by the cars or trains of cars, locomotives and other engines of any railway company, and to determine what precautions shall be observed by conductors, engine-drivers, engineers or firemen of such trains, cars, locomotives or engines, when crossing or about to cross the streets in the city, and to impose upon such railway company itself or upon the employees of such company a fine not exceeding twenty dollars for every infringement of the by-laws passed in that respect.

Powers to
make agree-
ments with
turnpike
road trus-
tees.

368. The council of the city may make any arrangement which it may deem advisable, and sanction and ratify any arrangement already made, with the trustees of turnpike roads, with reference to the roads owned by them within the limits of the city, either by granting them an annual allowance, or by purchase or otherwise; provided always, that nothing shall be incompatible with the laws now in force, or to become in force in the future, concerning the Montreal Turnpike Roads.

§ 15.—*Carters.*

Granting
licenses.

369. To authorize the granting of licenses to carters, owners and drivers of vehicles for public hire in the city, to compel such persons to take out an annual license, and to determine everything relating to carters and their vehicles.

Carters' tariff.

370. To establish a tariff of fares payable to carters for their services, to compel the latter not to exact higher fares than those settled by the tariff, and to punish every person who hires, engages, or employs a carter and refuses to pay him according to the tariff.

Services obli-
gatory.

371. To compel all carters under license to give their services at the tariff rates, to any person asking the same.

§ 16.—*Lighting.*

372. To provide for the lighting of the city in any Lighting. manner deemed advisable; and to punish any person extinguishing, without authority, the lamps provided for such lighting.

The owners or occupants of houses, buildings or lands, Laying pipes, &c. in the city, are bound to permit the necessary pipes, lamps and posts to be placed on their houses, buildings or lands, saving recourse in damages, if any be occasioned thereby.

§ 17.—*Miscellaneous.*

373. To cause the houses and lots in the city to be Numbering of houses. numbered, and to compel every owner, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square.

374. To control, arm, lodge and clothe a police force in Police. the city, and to determine the duties of the men of such police.

375. To erect in the city a lock-up house for the tem- Lock-up. porary custody of any person under arrest.

376. To establish one or more public pounds, for the Public pounds. keeping of animals of all kinds found straying in the city, and to establish a tariff of penalties and dues to be paid to such public pounds.

377. To oblige the owners of land in the city, or their Fences. representatives, to fence them, and to fix the level and height of the fences, as also the quality of the materials to be used.

378. To oblige the owners of land in the city, or their Trees. representatives, to plant, keep and maintain constantly in good order, trees in front of their property, and to determine the kind of such trees.

379. To aid, by all means deemed advisable, the coloni- Colonization, &c. zation of the Province, and also agriculture, horticulture, arts and sciences, in the city or within the limits of the agricultural society, within which such city is situated.

380. To authorize the confiscation, for the benefit of the Confiscation for benefit of poor. poor of the city, of any article offered for sale, or sold or delivered in contravention of the by-laws made in virtue of the charter.

Drinking
fountains.

381. To establish, control and maintain public drinking fountains in the city.

Inspection of
buildings.

382. To authorize all building inspectors and other officers, who shall be appointed by the said council for that purpose, to visit and inspect the interior or exterior of any buildings, houses or lots in the city, in order to ascertain whether the said buildings are conformable to law and to the by-laws of the council, and to compel any proprietor or occupant of such houses or buildings to admit the said inspectors or officers; and to authorize the said inspectors or officers to demolish and cause to be demolished all buildings, houses, chimneys or walls which might endanger the safety of the citizens of the city, or to cause such buildings to be evacuated and demolished, at the cost of the proprietors, as the council may deem convenient.

General
powers.

383. The council may, further, from time to time, make, amend, replace or repeal by-laws for the improvement, the internal administration and the government of the city.

§ 18.—*Water Supply.*

Powers of
council as to
water supply.

384. The council may, from time to time, make, repeal, or amend by-laws :

1. To provide for the establishment, maintenance and management of water-works, public wells, cisterns or reservoirs, to supply water to the city;

2. To prevent the public water being fouled or expended uselessly or contrary to the city by-laws;

3. To regulate the use of such water according to circumstances;

4. To prevent any person from giving such water to, or permitting it to be taken by, any person from whom the council has cut it off.

Tax for that
purpose.

385. The council may, by by-law, with the object of meeting the interest on the sums expended in the construction of water-works and of establishing a sinking fund, impose on all the owners or occupants of houses, shops or other buildings, an annual special tax not exceeding the rate specified in the charter, on the assessed value of each house, shop or building, including the land.

Investment of
sinking fund.

The sinking fund created by virtue of this article shall be invested and managed in the same manner as that mentioned in article 452.

To be levied
even on
owners not
availing

386. Such tax is imposed and levied, even in the case of owners or occupants not availing themselves of water from the water-works, provided that the corporation has

notified such owners or occupants that it is prepared, at its own expense, to bring the water into or near their respective houses, shops or buildings. themselves of the water-works.

387. The council may, by by-law, cause to be paid, over and above the special tax, a compensation calculated according to such tariff as it shall deem meet, by every owner, tenant or occupant of any house, shop or building, whether or not the latter avail themselves of the water; provided that a notice is served on them, to the effect that it is prepared to bring the water at its own expense into or near their houses, shops or buildings. Additional compensation.

Every owner, having one or more tenants, sub-tenants or occupants, is liable for the payment of such compensation, in the event of his refusing or neglecting to furnish a distinct and separate supply pipe to such tenant, sub-tenant or occupant. If an owner has several tenants, &c.

388. The council may make special agreements with respect to supplying water to steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, and hotels, as also in other special cases. Water for steam engines, &c.

389. The special tax and the compensation imposed under articles 385 and 387, shall be levied according to the rules and in the manner prescribed for general taxes. Levy of tax and compensation.

390. The council may also make special agreements for the supply of water, beyond the limits of the city, provided that the persons with whom such agreements are made comply with the by-laws respecting the management of the water-works. Water outside of municipality.

391. The council may oblige the owners or occupants of lands, situate within the city or beyond its limits, to permit the work necessary for the construction and maintenance of the water-works to be executed upon their property, saving indemnity for actual damage sustained, as settled by experts. Necessary work for aqueduct.

A plan, indicating the manner in which the property shall be traversed by the pipes, shall be prepared and previously submitted for the approval of the Lieutenant-Governor in Council. Plan.

392. The officers appointed for the administration of the water-works may enter into any house or building whatsoever, or upon any property, whether situated within or without the limits of the city, for the purpose of satisfying themselves that the water is not wasted or that the by-laws relative to the water-works are faithfully carried out. Visits of examination.

Duties of occupant in such case.

It is the duty of the owners or occupants of any such house, building or property to allow the officers to make such visit or examination.

Cutting off water.

The water may be cut off from any person refusing to receive the officers, so long as such refusal continues.

Water cut off.

393. The council may cut off the water supply from any person refusing or neglecting to pay the special tax or compensation for the use of the water, as also from all persons who allow the water to be wasted.

Taxes, &c., exigible notwithstanding.

394. The persons from whom the water has been cut off, for any of the reasons mentioned in the two preceding articles, remain, however, liable for the payment of the annual special tax and of the compensation fixed for the use of the water, as fully as if they availed themselves of the water.

Quantity not to be guaranteed.

395. The corporation is not bound to warrant the quantity of water to be supplied under the authority of the charter; and no person shall refuse, on account of the insufficiency of the water supply, to pay the annual special tax and the compensation for the use of the water.

Rights of council to be transferable.

396. The council may, by by-law, transfer its rights and powers respecting the water supply, to any company, person, or association of persons willing to undertake the same; provided that such company, person, or association of persons do not exact, for the use of the water, rates higher than those approved or determined by by-law of the council.

TITLE VIII.

VALUATION ROLL AND COLLECTION OF TAXES.

Annual valuation.

397. It is the duty of the valuers in office, annually, to make, at the time ordered by the council, the valuation of the taxable property in the city.

They also make the valuation of the annual value of such property, and enter it in the roll in a separate column.

Entry in roll.

They also enter in the roll the names of tenants.

Other entries.

398. The valuers enter on the roll all other information required by the council.

Non-taxable property.

399. The following property is not liable to taxation :

1. The property belonging to Her Majesty or held in trust for her use, and that owned or occupied by the corporation ;

2. That occupied by the Federal or Provincial Governments or which belongs to them ;

3. That belonging to *fabriques* or to religious, charitable or educational institutions or corporations, or occupied by such *fabriques*, institutions or corporations, for the purposes for which they were established, and not owned by them solely for the purpose of deriving a revenue therefrom ;

4. Cemeteries, bishops' palaces, presbyteries and their dependencies ;

Occupants of the above-mentioned property are, nevertheless, obliged to contribute to the work of keeping in order the streets and roads opposite these properties when they are not at the expense of the corporation, and they are also obliged to contribute to the work of keeping in order the water-courses, ditches and fences dependent thereon ;

5. All property belonging to railway companies, receiving grants from the Provincial Government, for the whole time during which such grant is accorded ;

6. All property belonging to or used especially for exhibition purposes by agricultural and horticultural societies, subject, however to works in common.

400. Railway companies, other than those mentioned in paragraph 5 of the preceding article, which possess real estate in the municipality, shall transmit to the office of the council, in the month of May in each year, a return showing the actual value of their real estate in the city other than the road, and also the actual value of the land occupied by the road, estimated according to the average value of land in the city.

Statement to be transmitted by certain railway companies.

Such return must be communicated to the valuers by the secretary-treasurer, in due time.

Communication thereof.

401. The valuers, in making the valuation of the taxable property in the city, value the real estate of such company, according to the value specified in the return given by the company.

Valuation of their estate.

If such return has not been transmitted in the time prescribed, the valuation of all the immoveable property belonging to the company is made in the same manner as that of any other rate-payer.

402. If the owner of any lot of land be unknown, the valuers shall insert the word "unknown," in the column of names of owners, opposite the description of such lot of land.

Owner unknown.

403. The valuation roll is signed by at least two of the valuers who drew it up or caused it to be drawn up, and

Who shall sign roll.

by the secretary-treasurer, or any other person whom they employed as clerk.

Duties of valuers.

404. The valuers value and assess all immoveable property in the city, and make returns also of the names of all persons liable to pay any tax or assessment, specifying the amount payable by every rate-payer, according to law.

Basis of assessments.

405. In assessing immoveable property, the valuers take, as the basis of their assessment, the actual value of such property at the time of making the assessment; they moreover, specify and include, in the assessment roll, the *bona fide* rent of such property, or, if they consider that such rent does not represent, or is disproportionate to, the annual value of such property, they insert, in the assessment roll, the actual value thereof.

If property occupied by owner.

If the property is occupied by, or is in the possession of the owner, the valuers determine the rent, according to the amount at which, in their judgment, the property might be rented, or ought to produce, if rented; provided, always, that the council may fix an amount as the basis of valuation, during a given number of years, not to exceed twenty-five years, for the assessment to be levied on property in the city held by any railway company and used as workshops for the manufacture, on a large scale, of cars, locomotives or machinery.

Assessment of property held *par indivis* in certain cases.

406. When the valuers assess property possessed undividedly by more than one person, or the partition whereof has not been registered in the registry office, it is lawful for them to designate such property as belonging to the "*estate of*," mentioning the name of the predecessor of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession or co-proprietor, so named, as the case may be, shall be held to pay the assessment, saving their or his recourse against any other person liable therefor.

Rules for guidance of assessors.

407. The finance committee may, from time to time, make regulations regulating and determining the time when the valuers shall annually begin their duties, the manner in which they shall perform them, and generally prescribe, regulate and determine their duties and obligations in all respects.

Penalty for not answering or misleading assessors.

408. Any person who refuses to reply to the questions which are put to him by any valuator in the discharge of his duties, or who gives him information which he knows to be false, or who insults or assaults such valuator, or refuses to allow him, in the discharge of his duties, to enter

in or upon his property, or the premises occupied by him, incurs for each offence a penalty not exceeding twenty dollars, to be recovered before the Recorder's Court.

409. Upon the completion of the assessment roll of any ward or wards, the valuers give notice of such completion, specifying in such notice the delay for examining such assessment roll, which shall not be less than fifteen days from the date of such notice, and fixing the days on which such assessment roll will be revised. Notice of completion of assessment roll.

410. During such space of time, any person who deems himself aggrieved by the roll as drawn up, personally or for another, may appeal therefrom to the valuers, by giving to that end a written notice to the valuers stating the grounds of his complaint. Appeal.
Notice of appeal.

411. On the days fixed by such notice, the valuers meet in their office at the city-hall, and hear and examine all complaints that may be brought before them, in conformity with such notice, respecting any entry in such assessment roll, and may adjourn, from time to time, as may be necessary to hear and determine such complaints. Proceedings at revision.

It is the duty of the valuers to hear and examine on oath, the person making the complaint and any witnesses appearing before them; and they must consider all evidence adduced touching such entry; and thereupon, as the case may be, confirm or amend such entry; and they must notify the complainant thereof, by causing a written or printed notice, to that effect, to be mailed to him through the post office. Proof, &c.

No complaint, as to the entry in any assessment roll, shall be received after the day fixed for the examination and revision of such roll. Complaints not to be received after certain days.

The valuers keep a summary record of their proceedings upon all complaints made to them. Record to be kept of proceedings.

412. In all cases, it is the duty of the valuers to proceed, on the days stated in the notice, to the revision and homologation of the roll, whether it be complained of or not. Revision and homologation.

They may also make any necessary correction in the wording thereof.

413. Any rate-payer, having complained of any entry, who may think himself aggrieved by the decision of the valuers, may thereupon, within one week from the date of the mailing of such notice, appeal from such decision by petition to the Recorder's Court, which has jurisdiction in all such cases. Appeal to Recorder's Court from decision of assessors.

All such petitions, together with a certified copy of the Proceedings

before Recorder's Court.

proceedings had in each case before the valuator, are filed with the clerk of the Recorder's Court, who gives each petitioner due notice of the day and hour when the court will proceed to hear and determine the merits of the complaint; for which purpose evidence may be adduced on both sides, upon the matters at issue.

Appeal from Recorder's Court.

414. Any party aggrieved by any decision of the Recorder's Court upon such appeal, may apply, by summary petition, for a revision thereof, to any one of the judges of the Superior Court, either in term or vacation, within a delay of eight days from and after the date of the rendering of such decision; and, thereupon, such judge may order that the record of the proceedings of the Recorder's Court on the complaint, together with the complaint itself and the evidence adduced before such court, be transmitted to him, and, upon receipt thereof, he shall, after having heard the parties, either in person or by attorney, give such order as to law and justice may appertain.

Proceedings upon such appeal.

Roll to be deposited when revised.

415. When the valuator have completed the examination and revision of the assessment roll of any ward, they deliver the same, certified and signed by them, to the city treasurer, and, thereupon, except in respect of any case appealed from, such roll becomes binding upon all persons named or assessed therein, and they are held to be indebted to the city in the sums fixed by such roll respectively.

Effect thereof.

Property omitted.

416. If there be an omission of any property in the roll prepared by the valuator, the council may order such officers to value such property and add it to the roll.

In such case, the roll cannot be homologated until special notice of eight days, in relation to such addition, has been given to the owner, who may, within such delay, file his complaint against the valuation, and be heard before the valuator at the time of such homologation.

Notice to be given of such delivery of roll.

417. Upon the delivery, by the valuator, of such assessment roll for any ward, or of any roll of assessment made under the provisions of this act, the city treasurer gives public notice thereof (in the form F.) to the parties interested.

Notice to persons who do not pay assessments within certain time.

418. If, at the expiration of thirty days from the date of the last insertion of such notice, any tax or assessment remains unpaid, the treasurer causes to be mailed, to the last known address of the person owing such tax or assessment, a statement of the taxes and assessments so due, and shall, at the same time, in and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned (in the form G.)

419. If any rate-payer neglects to pay the amount of taxes or assessments due by him, for the space of six months after the mailing of such notice and demand, the treasurer may levy the same with costs and interest, by warrant to be issued by the Recorder's Court (in the form H), authorizing the seizure and sale of the goods and chattels of the person in default, or of any goods and chattels in his possession, wherever the same can be found in the city, saving the exemptions provided by law; and no claim of ownership or privilege thereon shall be available to prevent the sale thereof for the payment, out of the proceeds thereof, of the taxes or assessments due in respect of the premises in which such goods and chattels were or are located.

Execution to issue, if taxes not paid within certain time after notice.

420. If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or, in the event of refusal to open the same, the seizing officer may, by an order of the mayor or the recorder or any justice of the peace, be empowered to cause the same to be opened by the usual means, in presence of two witnesses, with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical resistance.

Opening of closed doors, &c.

421. Before proceeding to the sale of such goods and chattels, the treasurer gives notice (in the form I) of the day and place of the sale, and of the name of the debtor in default, which notice is posted in a conspicuous place at the entrance of the city-hall, and he shall mail a copy thereof to the last known address of the person in default, at least forty-eight hours previous to such sale.

Notice before proceeding to sale of effects seized.

422. No larger quantity of goods and chattels can be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless, from the nature of the article seized, it is impracticable so to limit such sale.

Sale under distress not to exceed amount due.

If the goods and chattels seized are sold for more than the whole amount of the said taxes or assessments and the costs attending the seizure and sale, the surplus is 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 is paid to such claimant; if such claim is contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the Recorder's Court.

Return of surplus in certain cases.

423. The provisions contained in the preceding articles, as regards the collection of taxes and assessments, shall

Preceding provisions apply.

ply to collec-
tion of water-
rates. apply, *mutatis mutandis*, to the collection of water-rates that may be due to the city.

Moveables,
&c., sold for
taxes, to be so
sold by auc-
tion. **424.** The moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, are put up to public auction; but such moveables or effects are exempt from auction duty, and it is not necessary that they be sold by a licensed auctioneer.

Default or de-
lay to act. **425.** The default, on the part of the valuator or of the council to act within the time prescribed, has not the effect of preventing the completion or homologation of the roll after the time prescribed.

Change of
owners. **426.** After every change of owner or occupant of any lot of land set forth in the valuation roll in force, the council, on a written petition to that end, and, after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one.

Roll set aside. **427.** Whenever the valuation roll has been set aside under article 264, the former roll revives and avails until a new valuation roll comes into force.

Basis for the
valuation of
lots for agri-
cultural pur-
poses. **428.** In determining the value, which should be given in the valuation roll, of a lot used, within the limits of the city, for agricultural purposes, the value of such lands for agricultural purposes only shall be taken into consideration, except for such portion thereof which fronts on the streets or roads to the usual depth of building lots in the city, which portion may be valued and taxed according to its real value.

Special col-
lection roll. **429.** It is the duty of the secretary-treasurer to make a special collection roll, whenever any special tax has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the council, basing such roll on the valuation roll in force, and following, for the levying of such assessment, the proceedings respecting the collection of general taxes.

Collection of
general tax. **430.** The council shall, on the requisition of the school commissioners or trustees of any school municipality, situated within the limits of the city, accept the school assessment roll or the certified extract therefrom presented by them, and order the secretary-treasurer to collect such taxes, in the same manner and at the same time as municipal taxes.

Collection of
school taxes. **431.** If the municipal council has ordered, by resolution, that the collection of school taxes be made at the same time

and in the same manner as municipal taxes, the secretary-treasurer enters in the general collection roll the amount of such taxes, collects and remits them forthwith to the secretary-treasurer of schools.

432. The revenues of the council shall be those which it may procure by means of the taxes which its charter authorizes it to levy. Revenues.

433. All sums of money not specially appropriated form part of the general funds of the corporation. General funds.

Whenever it levies any sum exceeding in amount the sum required to meet the liabilities for which such sum was raised, the surplus belongs to the corporation and falls into the general funds thereof. Surplus.

434. All sums of money, forming part of the general funds of the city, may be employed for any purpose within the scope of the council. Employment of funds.

435. The council may, by resolution, whenever it deems the same advisable, authorize the secretary-treasurer or any other officer, to add to the amount of any taxes to be levied on taxable property in the city, a sum not exceeding ten per cent. to cover losses, costs and bad debts. Additional taxes.

436. Taxes bear interest, at the rate of six per cent. per annum, from the expiration of the delay during which they ought to be paid, without its being for such purpose necessary that a special demand of payment be made. Taxes to bear interest.

Neither the municipal council nor its officers can remit such interest. Cannot be remitted.

437. Municipal taxes and interest due thereon are privileged claims exempt from the formality of registration. Taxes to be privileged.

438. Municipal taxes, imposed on any land, may be collected from the tenant, occupant or other possessor of such land as well as from the owner thereof, or from any subsequent acquirer of such land, even when such tenant, occupant, possessor or acquirer is not entered on the valuation roll. Parties to be held to pay taxes.

439. Any person, not being the owner, who pays municipal taxes imposed in consideration of the land which he occupies, is subrogated, without other formality, in the privileges of the city on the moveable or immoveable property of the owner, and may, unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action the amount which he has paid in principal, interest and costs. Subrogation.

Prescription
of taxes.

440. Arrears of municipal taxes are prescribed by three years.

Action at
law.

441. The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before any court of competent jurisdiction.

Sale of im-
moveable.

442. If the taxes imposed on one or more immoveables have not been paid within the six months next after the notice of deposit of the roll, because the person bound to pay them does not reside in the city, or if he reside therein, because sufficient moveable property to him belonging and liable to seizure has not been found therein, the mayor may, with the authorization of the council, issue under his hand and that of the secretary-treasurer a warrant specifying the amount of taxes due, and ordering the sheriff of the district to seize and sell the immoveables therein described, and in respect of which such taxes are due.

Warrant to
sheriff.

Duties of
sheriff; pro-
ceedings.

443. The sheriff is bound to execute such warrant, by observing the same formalities and with the same effect, as in the case of a writ *de terris*; and all proceedings subsequent to the issue of the warrant by the mayor shall take place before the Superior Court of the district.

Annual tax
for improve-
ments.

444. In order to provide the funds required to meet the expenses of the city council, and to effect the various public improvements necessary in the city, the council of the city shall have the right to levy annually, on the persons and taxable moveable and immoveable property in the city, the taxes required therefor which shall be imposed on the said moveable and immoveable property in the city in the manner hereinafter provided.

Direct taxa-
tion for ex-
penses of
administra-
tion.

445. By means of direct taxation on all the taxable property, or only on the taxable real estate in the city, all sums of money required to meet the expenses of administration or for any special object whatsoever, within the limits of the attributes of the council of the city, not exceeding two per cent. per annum on the amount of valuation;

Direct tax-
ation for pub-
lic works.

446. By means of direct taxation; upon all rateable property, or only upon rateable real estate, belonging to the persons who, in the opinion of the council of the said city, are interested in a public work, under the direction of the council of the city, and who benefit thereby, all sums of money requisite to pay for the construction and maintenance of such work;

Taxes upon
tenants.

Upon every tenant paying rent, a sum not exceeding three cents in the dollar, upon the amount of his rent;

447. On each person keeping or owning a dog or dogs, Tax on dogs.
a sum not exceeding one dollar annually for each dog ;

On each person keeping or owning a bitch or bitches, Tax on bitches.
a sum not exceeding two dollars annually for each bitch.

448. Articles 371, 372, 373 and 998 to 1025*i*, inclusively, Application of
of the Municipal Code shall also apply, *mutatis mutandis*, to certain arti-
the collection of taxes due to the city. cles of Muni-
cipal Code.

449. The council of the county of Hochelaga shall be Sale of cer-
obliged to sell the immoveable property, the description of tain immove-
which shall have been forwarded to it by the secretary-treas- ables by coun-
urer under the preceding article, as if the city of St. Henri cil of the
was governed by the Municipal Code and still formed part county of
of the council of the county of Hochelaga ; the whole sub- Hochelaga
ject to the same charges and conditions as other corpora- under Muni-
tions. cipal Code.

450. It shall be lawful for the city, for the purposes Taxes on cer-
mentioned in this section, to impose and levy certain annual tain persons,
dues or taxes on the following persons resident or non- trades, call-
resident in the municipality, to wit : ings and
professions.

On proprietors or occupants of houses of public entertainment, hotels, taverns, coffee houses, restaurants, temperance hotels, dealers in spirituous liquors, pedlars and itinerant traders ; on every company or corporation selling, retailing, exposing, hawking, or offering for sale any kind of merchandise or commercial wares whatsoever within the limits of the city, or causing such merchandise or wares to be sold, retailed or hawked therein ; on all proprietors, possessors, agents, managers or keepers of theatres, circuses, billiard-rooms, ten-pin alleys or other places for games or amusements of any kind whatsoever ; on caravans ; on every manufactory of tallow and glue, public or private slaughter-houses, foundries, soap manufactories, oil refineries or other establishments of that kind ; on all brewers, auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, coachmen, livery-stable keepers, and distillers ; on all merchants, manufacturers and their agents ; on all proprietors and keepers of wood-yards or coal-yards in the city ; on all money changers or exchange brokers and pawn-brokers ; on all bankers and banks ; on all agents of bankers and banks or of building societies ; on all insurance companies and their agents, and gas companies ; on all incorporated companies, with the exception of railway companies ; and, in a word, on all business, manufactures, callings, industries, arts, trades and professions, which are or may be exercised or introduced into the city ;

451. The amount of such annual dues or taxes shall be How fixed
fixed, and determined by the council of the city in its dis-

cretion, either in certain cases at a fixed sum or in other cases at a percentage of seven and a half per cent on the annual value of the property occupied by the said persons in the city, and in and upon which they do business or carry on such business, manufactory, slaughtering, calling, trade, business, art, profession or means of profit or of livelihood, provided that none of such amounts exceed three hundred dollars annually ;

Maximum.

Tax upon owners of vehicles or horses.

452. On every person owning or employing vehicles and horses, either for pleasure or for work, within the limits of the city, a sum not to exceed twenty dollars for each horse and vehicle ;

Business tax on hotel-keepers, &c.

453. A business tax, not to exceed two hundred dollars, on all hotel-keepers, tavern-keepers and restaurant-keepers, keeping a hotel, tavern or restaurant, in the limits of the city, notwithstanding the provisions of article 927*b* of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 30.

Confiscation of articles in default of payment of dues.

454. The council may authorize the guardians of the peace of the city to confiscate, for the benefit of the corporation, the effects, merchandise and articles of commerce of hawkers or peddlers, selling, retailing, peddling or offering for sale, in the streets, such effects, merchandise and articles of commerce, without having previously paid the duties or annual taxes imposed by the by-laws of the city.

TITLE IX.

EXEMPTION FROM TAXATION.

Exemption from or commutation of taxes.

455. The council may, by resolution, exempt from the payment of municipal taxes, for a period not exceeding twenty years, any person who carries on any industry, trade or enterprise whatsoever, as well as the land used for such industry, trade or enterprise, or agree with such person for a fixed sum of money payable annually for any period not exceeding twenty years, in commutation of all municipal taxes.

Exemption of the poor.

456. It may also exempt the poor of the city and their property from the payment of municipal taxes.

Exception.

457. Such exemption or agreement shall not extend to work upon water-courses, boundary ditches, fences or front roads connected with the taxable property so exempted or commuted.

458. For the purpose of encouraging the introduction and establishment of new manufactories within its limits, it is lawful for the city to exempt from all taxes, assessments and municipal imposts whatsoever, for a space of time not exceeding ten years, any manufactory, not being a flour-mill, gas-works or distillery, which any individual, commercial firm, or corporation may have undertaken, or may undertake to establish.

Council may exempt from taxes manufactories to be established within their limits.

Such exemption shall extend, not only to the buildings and grounds used by such manufactory, but also to all the moveables and machines employed in such manufactory, as well as to all articles manufactured therein.

Extent of exemption.

In any case in which the exemption from taxes as hereinabove mentioned, in favor of a new manufactory, would prejudice the interests of any manufactory already established, or would create an undue privilege against the latter, it shall be lawful for the municipal authorities to grant the same or a proportionate exemption to every such pre-existing manufactory.

Exemption may, in certain cases, be granted to pre-existing manufactories.

459. Any person, desiring to establish a manufactory as aforesaid, is obliged to ask the permission of the city council, and state the nature of the manufacture, its locality, the extent of the intended site, and whether he intends to use steam power.

Permission to be obtained from council.

Such permission shall not be given unless previous notice be given by the person applying therefor to the council, and the council may make a by-law for the purpose, which by-law must be brought before the council at two different meetings thereof; and, when the by-law is agreed to, it shall be equivalent to a contract in favor of the proprietors of the manufactory therein mentioned, their heirs and assigns, for all the time specified in such by-law.

Notice for that purpose.

460. The city may, by way of aid, exempt from all taxes, assessments and municipal imposts whatsoever, for a period not exceeding twenty-five years, any railway company having a station within its limits.

Exemption from taxation of railway company.

Such exemption shall extend to the buildings, track and ground occupied.

To what it extends.

461. Every by-law, passed in virtue of the preceding article, shall, before coming into force and effect, be approved by the electors of the city who are proprietors, in the manner prescribed by the charter, and be also subject to the approval of the Lieutenant-Governor in Council when such approval is required under the charter.

Approval of by-law for such purpose.

462. By-laws in virtue of article 460 may determine the conditions under which the assistance is authorized.

Conditions of assistance.

TITLE X.

LIST OF MUNICIPAL ELECTORS.

- When lists to be made. **463.** Within the thirty days next after the day on which a new valuation roll has come into force, the secretary-treasurer makes, for each ward, an alphabetical list of the names of the persons who, according to such roll, appear to be municipal electors.
- To be deposited in office of council. **464.** After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer deposits them in the office of the council.
- Notice. **465.** He forthwith gives public notice stating that such lists are deposited in his office, and that they there remain open to the examination of the parties interested and their representatives, during the fifteen days next after the date of such notice.
- Complaint. **466.** During such interval of fifteen days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer specifying the grounds of his complaint.
- Board of revisors. **467.** On the evening of the last of the fifteen days mentioned in article 465, a board of revisors, composed of three aldermen, previously appointed for that purpose by the council, proceeds to the revision and amendment of the lists in the office of the council.
- Duties. Such three revisors act together, under their oath of office as aldermen, and under the chairmanship of one of them.
- Secretary. The secretary-treasurer acts as secretary of the revisors.
- Trial of complaints; decision of revisors. **468.** The board of revisors, at such meeting or at any subsequent adjournment thereof, takes into consideration the complaints filed under article 466, hears the parties interested, examines them, together with their witnesses, under oath administered by the chairman, and maintains the lists or makes the necessary additions and corrections thereto.
- Accidental omissions. **469.** It may correct any errors and supply any accidental omissions made in such lists.
- Complaint to be in writing. **470.** The revisors do not hear any complaint not made in writing, in accordance with article 433.
- Name struck from list. **471.** The name of no person shall be struck from any list, before he has been notified of the application to that

end, and has had an opportunity of being heard before the revisors.

472. The lists so revised are signed by the chairman of the board of revisors, countersigned by the secretary-treasurer and sealed with the seal of the council. Signature to lists

Such lists, to the exclusion of all others, remain in force up to the entry into force of the new lists drawn up in virtue of these provisions. Duration.

Whenever the list, or any of the lists in force, has been annulled under article 264, the old list comes again into force, and remains so until the entry into force of another list. List annulled.

TITLE XI.

LOANS.

473. The council may borrow, from time to time, various sums of money, for improvements in the city, and generally for all objects within its jurisdiction. Powers of borrowing.

474. Whenever the council contracts a loan, it is enjoined to immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest, and for the establishment of a sinking fund of at least one per cent. per annum, for each such loan. Interest and sinking fund.

The annual rate of interest can in no case exceed the legal rate of interest. Rate of interest.

475. The sinking fund must be invested in the public funds of the Dominion or of the Province, or on first hypothec to an amount not exceeding one half of the value of the property mortgaged, as appearing by the municipal valuation roll,—provided that provision be made for the insurance of the property so mortgaged, to be taken in the name of the corporation, and at the expense of the borrower, to an amount of not less than one half of the value of the property so insured,—or be employed in the redemption of bonds issued by the corporation or be deposited in an incorporated bank. Investment of sinking fund.

476. The council may, if the lenders consent to it or require it, deposit in their hands the sums intended for the sinking fund. Sinking fund may be paid over to lenders.

In such case, the receipts given to the council are so drawn as to define what amount has been paid for interest and what amount for the sinking fund. Receipts in such case.

477. The council may contract its loans by an issue of debentures, signed by the mayor, and countersigned by Issue of debentures.

the secretary-treasurer, and bearing the seal of the corporation.

How payable. Such debentures are made payable to bearer, at the periods fixed by the council, with interest payable on the first days of the months of May and November in each year, at any rate of interest not exceeding the legal rate.

Coupons. **478.** Coupons to the amount of the half-yearly interest, signed by the mayor and countersigned by the secretary-treasurer, and payable to bearer, at the period the interest specified therein falls due, may be annexed to each debenture.

Return of coupons. At the time of payment, the coupons are handed to the secretary-treasurer; and the possession, by such officer, of any coupon, is *prima facie* evidence that the half-yearly interest specified therein has been paid.

General guarantee of debentures. **479.** The principal and interest of every debenture issued by the council are secured by the general funds of the city.

Sanction of electors required. **480.** Loans, whether by the issue of debentures or otherwise, are only made under a by-law of the council to that effect, approved by a majority in number and in real value of the proprietors who are municipal electors.

Authority of Lieutenant-Governor required for certain loans. **481.** When the interest and the sinking fund of the sums borrowed by the corporation absorb half the revenue of the city, the council shall not in any case contract a new loan, without having been specially authorized thereto by the Lieutenant-Governor in Council, and moreover without having obtained the approval of the majority in number and in real value of the proprietors who are municipal electors.

Special tax required. **482.** Any by-law authorizing a loan by virtue of the preceding article shall levy an annual special tax sufficient for the payment of the interest for each year, and of one per cent per annum at least as sinking fund, until the debt is extinguished.

By-law to be submitted to electors. **483.** Every by-law authorizing a loan shall be submitted for the approval of the electors, within thirty days after the council has passed the same.

Meeting of electors. **484.** For such purpose, a meeting of all municipal electors who are proprietors is convened, for a day fixed by the council, by a public notice signed by the mayor.

President. Secretary. Such meeting is presided over by the mayor, and the secretary-treasurer shall act as secretary.

Six electors present, qualified to form part of such meeting, may require a poll, for the purpose of ascertaining whether the by-law is approved or disapproved; and, on such demand, the mayor shall fix, within the eight days next ensuing, a day for the opening and holding of the poll.

485. The poll shall be held and presided over by the mayor, with the assistance of the secretary-treasurer.

It is held for two consecutive juridical days, from ten o'clock in the morning until five o'clock in the afternoon.

486. Each elector comes forward in his turn and votes by "yea" or "nay"; the word "yea" signifying approval of the by-law, and the word "nay" his disapproval thereof.

487. No person is admitted to vote unless his name is entered on the list of municipal electors as a proprietor, or, if no such list exists, unless it appears by the valuation roll in force that he is a municipal elector as a proprietor.

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

488. At the close of the poll, the mayor counts the "yeas" and the "nays"; and, within the four days following, he lays before the council the result of the voting, together with a statement showing the value of the taxable real estate of each of the voters, according to the valuation roll in force.

A certificate is given, under the hand of the mayor and of the secretary-treasurer, for the information of the council, whether the majority in number and taxable real value approve or disapprove such by-law.

If the council desire to examine the poll-books, they are forthwith laid before it.

In the case of an equal division of votes, the mayor gives his casting vote.

489. The poll-books, together with the statement and certificate produced, are deposited in the archives of the council.

490. The council shall have power, from time to time, to borrow money, by a simple resolution, without being obliged to have it ratified by the rate-payers; but the total sum so borrowed shall not, at any time, exceed ten thousand dollars.

TITLE XII.

INFLECTION OF PUNISHMENT.

Fine or imprisonment

491. The council may, in any by-law made under the provisions of the charter, enact the imposition of punishment, by fine or imprisonment, for enforcing any such by-law, provided that the fine do not exceed the sum of twenty dollars, and that the imprisonment be for a period not exceeding two months, in the discretion of the court.

When to be imposed.

Such penalties cannot be ordered by the court unless they are enacted by each by-law which to them relates.

TITLE XIII.

EXPROPRIATION FOR MUNICIPAL PURPOSES.

Right of expropriation.

492. The council may, by complying with the following provisions, appropriate any land required for the execution of works ordered by it within the scope of its jurisdiction.

Consent of certain owners required.

493. The council cannot, without the consent of the owner, expropriate the following properties :

1. Property belonging to Her Majesty, or held in trust for her use ;
2. Property occupied by the Federal or Provincial Government ;
3. Property possessed or occupied by railway companies, *fabriques*, or religious, charitable or educational institutions or corporations ;
4. Cemeteries, bishops' palaces, parsonages, and their dependencies.

Idem.

494. The council further cannot, without the consent of the owner, in any manner injure any canal or the dam of any mill or factory, or divert the course of the water which feeds such canal, mill or factory.

Cost of expropriation how paid.

495. The city council may, by by-law, whenever it has an expropriation to be made, decide that the cost of such expropriation shall be paid out of the funds of the city, or shall be apportioned, in such proportion as the council may deem expedient, upon the immoveables belonging to the persons interested in the proposed improvement or who will benefit thereby.

Indemnity.

496. The indemnity to be paid for any land liable to expropriation may be fixed and established by agreement between the council and the owner if of age and in possession of his civil rights ; and it may also be agreed that no indemnity be allowed to the expropriated owner.

497. In case the council and the person expropriated cannot agree, or if the proprietor is a minor or is not in the enjoyment of his civil rights, the question shall be decided as follows :

If council and person expropriated cannot agree.

A notice shall be served by the city or its attorney, upon the party to be expropriated, containing :

Notice to be served upon person expropriated and what to contain.

(a) A description of the land to be taken ;

(b) A declaration that the city offers to pay a certain sum, which is therein mentioned, as an indemnity and compensation ;

(c) The name of the arbitrator for the city, in case the offer be not accepted.

This notice must be accompanied by the certificate of a sworn surveyor, not interested in the matter and not being the arbitrator named in the notice, establishing that the expropriation of the land is necessary for the city, that he knows the land claimed and the damages which might result from the expropriation, and that, in his opinion, the sum offered is a sufficient indemnity.

Certificate to accompany notice.

498. If, within five days of the service upon him of such notice, the person expropriated does not notify the city that its offers are accepted, or does not give the name of his arbitrator when signifying his refusal, a judge of the Superior Court, upon being petitioned so to do, names a sole arbitrator to determine the amount of the indemnity.

Appointment of sole arbitrator in certain cases.

499. If the person expropriated has, in the prescribed delays, given the name of his arbitrator and the amount of indemnity which he claims, either party may petition a judge of the Superior Court to name a third arbitrator.

Application for appointment of third arbitrator.

500. This petition shall be in writing, and five days' notice of the same shall be given to the opposite party.

Petition for that purpose.

After the expiration of which delay of five days, the judge of the Superior Court, upon evidence that the above prescribed formalities have been fulfilled, names the third arbitrator, who, with the two already named, proceeds to the arbitration.

Appointment by judge.

501. Before proceeding, the arbitrators shall be sworn before a justice of the peace to faithfully and impartially perform the duties of their office.

Arbitrators to be sworn.

502. At their first meeting, the arbitrators or the sole arbitrator may name a secretary, whose duties shall be to take down in writing all the proceedings, which shall be signed by the arbitrators at the end of each sitting.

Appointment and duty of secretary to arbitrators.

503. The emoluments of such secretary are fixed by the arbitrators and are paid, as are all things that may be ne-

Payment of emoluments

of secretary and other disbursements. necessary for the holding of the court, as part of the costs of arbitration.

Examination of parties under oath and of the premises. **504.** The arbitrators, in the course of the proceedings, or a majority of them, or the sole arbitrator, may examine the parties under oath, and they shall proceed to the examination of the premises with the object of determining the amount of indemnity to be awarded.

When arbitrators shall proceed. Notice to parties. **505.** The arbitrators shall proceed at the time and place appointed by them, of which they shall have given a special notice of at least five days to the parties interested.

What to be taken into account by arbitrators. **506.** In deciding the amount of the indemnity to be paid, the arbitrators are authorized to take into consideration the increased value given to the property from which the expropriated portion is to be taken, and to compensate the increased value of the property against the inconvenience, loss and damage resulting from the expropriation.

Award of arbitrators. **507.** The arbitrators, after having examined and valued the land and buildings, and taken into consideration the required powers, and having heard the parties and their witnesses, under oath administered by them, shall give their decision by means of a certificate.

To be final. This decision shall be final.

Defects of form. **508.** No defect of form shall annul the award of the arbitrators, if all the requirements of the law have been fulfilled, and if the award determine, clearly and concisely, the amount awarded and the lands, rights, buildings and other things for which such amount is an indemnity.

Person to whom amount is payable need not be named. **509.** It is not necessary that the person, to whom the amount should be paid, be named in the award.

Minutes of proceedings, &c., to be sent to prothonotary's office. **510.** The secretary of the arbitrators shall forward to the prothonotary's office of the Superior Court the minutes of the proceedings, as well as the certificate containing the award of the arbitrators.

Costs of arbitration. Remuneration of arbitrators. **511.** The arbitrators may decide which party shall pay the costs of the arbitration. They decide also on the amount of remuneration each arbitrator shall receive, which remuneration shall not exceed five dollars per day.

When city may take possession of property expropriated. **512.** By the payment, or legal tender followed by a deposit in court, of the amount of indemnity awarded to the party entitled to it, the award gives to the city authority to take immediate possession of the property and to exercise

the rights or effect the purposes for which the indemnity was granted.

513. If resistance or opposition is offered to the taking possession of such property or to the exercise of such rights, the judge may, upon sufficient proof of the award of the arbitrators, issue his warrant, addressed to the sheriff of the district, or to a bailiff, as he may think proper, to put the city in possession, and to put an end to all resistance or opposition.

Proceedings if taking possession is resisted.

514. The judge shall grant such warrant, only when a notice of the time and place when the application for the same shall be presented to him has been served five days previously upon the proprietor of the property, or upon the person having the right to pass a deed transferring such expropriated property, or having an interest therein.

Notice to be given of application for warrant.

515. If the city has reason to fear hypothecary claims or trouble, or, if the proprietor is a minor, it is lawful for it to deposit, in the hands of the prothonotary of the district, the indemnity and six months interest thereon, together with a copy of the award.

Deposit of amount of award with prothonotary in certain cases.

516. The award is then considered a title to the property mentioned in it, and proceedings are taken to obtain a confirmation of the title in the same manner as in other cases of confirmation of title.

Award, title to property. Proceedings in confirmation.

517. The judgment in confirmation of title extinguishes forever all claims against the property, including unopened dower, as well as all mortgages and charges with which the property may be encumbered.

Effect of judgment of confirmation.

518. The tribunal shall issue such order for the distribution, payment or investment of the indemnity, and for securing the rights of all parties interested, which it may consider right according to justice and equity.

Distribution of moneys.

519. The costs of the proceedings shall be paid by the party indicated by the court.

Costs by whom to be paid.

520. If the judgment in confirmation is obtained in less than six months from the depositing of the indemnity in the hands of the prothonotary, the court may order that a proportionate amount of interest be paid to the depositing party.

Return of interest if judgment of confirmation obtained within six months.

If the judgment is obtained only after the six months, the court shall order that an additional sum, as it may deem proper, shall be deposited to pay the amount of the interest.

If after, additional sum for interest to be paid.

Power to
widen St.
James street.

521. The city is authorized to immediately proceed to the widening of St. James street, from the crossing of the Grand Trunk Railway of Canada to the western limits of the city, in accordance with the plan homologated to that effect in the Spring of one thousand eight hundred and ninety-three, on the petition of the city, by following, as regards such expropriations, the formalities prescribed by its charter.

Limitation of
compensation
to tenants for
expropriation.

522. No compensation shall be paid to tenants for damages, which they may suffer through the expropriation of the property leased by them, for more than the remainder of the year in which such expropriation is made, if such expropriation be made before the first of February, that is to say, more than three months before the first of May, and for more than one year in all, if the expropriation be made between the first of February and the first of May.

Proviso when
more land
expropriated
than required.

523. Whenever, in the case of the opening and widening of a street, or for establishing or enlarging a square, public place or market, the council shall find it more advantageous for the city to expropriate more than the land strictly required for the proposed improvement, the city shall have the right to expropriate such portion of the land constituting the excess of the expropriated property, by proceeding for such expropriation according to the formalities prescribed by the charter and its amendments for cases of ordinary expropriation.

Power to ac-
quire property
for municipal
purposes.

524. The city shall have the right to acquire, for municipal purposes, properties within or without its limits, provided that, as regards property outside, it shall obtain from the municipality, within which the property is so situated, the authorization to use the same for the purpose for which it has been purchased.

Purchase of
certain lot of
land ratified.

525. The purchase by the city from W. D. Davidson, for the price of twelve thousand dollars, of a lot of land in the municipality of the town of Côte St. Paul, in accordance with the preceding article is confirmed and ratified to all intents and purposes, without prejudice however to pending cases, if any there be.

Such lot of
land may be
sold.

If the council of the city should find it in the interest of the corporation to sell the said lot of land so purchased, it is empowered to effect such sale.

When city is
obliged to pro-
ceed with ex-
propriations.

526. Notwithstanding the provisions contained in articles 363, 364 and 365, the city cannot be compelled to proceed to the expropriation of the properties indicated, as to be expropriated for any improvement whatsoever, on the homologated plans for the streets of the city, except

when the council shall have decided to proceed with such expropriation ; but such expropriation shall be proceeded with, between now and the 21st December, one thousand eight hundred and ninety-seven.

TITLE XIV.

EXECUTION OF JUDGMENTS AGAINST THE CORPORATION.

527. Whenever a copy of a judgment, condemning the city to pay a sum of money, has been served at the office of the council, the secretary-treasurer shall forthwith pay the amount thereof out of the funds at his disposal, on the authorization of the council or of the mayor, according to the rule laid down in article 225. Payment on service of judgment.

528. If there be no funds, or if those at the disposal of the secretary-treasurer be not sufficient, the council shall, immediately after the service of the judgment, order the secretary-treasurer, by resolution, to levy, on the taxable property of the city, a sum sufficient to pay the amount due with interest and costs. Levy in default of funds.

529. The court which rendered the judgment may, on petition to that end presented either in term or in vacation, grant, from time to time, to the council, any delay which it deems necessary to levy the amount of moneys required. Delay to that effect.

530. If the judgment has not been satisfied within two months after the service thereof at the office of the council, or at the expiration of the delay granted by the court or agreed upon by the parties, the person in whose favor such judgment was rendered may, on producing the return of the service of such judgment at the office of the council, and on a requisition in writing for such purpose, obtain the issue of a writ of execution from the court against the city, returnable before the same court so soon as the amount of the judgment and costs has been levied. Writ of execution.

531. Such writ is attested and signed by the clerk or prothonotary, sealed with the seal of the court, and addressed to the sheriff of the district of Montreal, enjoining him among other things : Form and contents of writ.

1. To levy from the corporation, with all possible despatch, the amount of the debt with interest and costs of the judgment as well as of the execution ;

2. In default of immediate payment by the corporation :

(a) To apportion the sums to be levied on all the taxable property in the city, in proportion to its value, as it appears by the valuation roll, with the same powers and under the

same obligations and penalties as the council and the secretary-treasurer, to whom he is lawfully substituted for the levying of such money ;

(b) To prepare without delay a special collection roll ;

(c) To publish such special roll in the city, in the manner required by article 4549 of the Revised Statutes.

(d) To exact and levy the amounts entered on the special collection roll, in the manner and within the delay prescribed by articles 4549 and 4550 of the said Statutes ;

(e) In default of the payment of such amounts by the persons who are bound so to do, to levy the same with costs, on their moveable property, in the manner prescribed by articles 4551 to 4556 inclusively of the said Statutes ;

To sell the real estate liable for such amounts, in default of their payment, in the same manner and with the same effect as if he were acting under a writ *de terris* issued by the Superior Court of the district ;

3. To make a return to the court of the amount levied and of his proceedings, as soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order.

Duties of
sheriff.

532. The sheriff is bound to execute without delay, either personally or by his officers, all the injunctions of such writ or of any other order subsequently issued by the court.

Access to
registers, &c.

533. The sheriff has free access to the registers, valuation roll, collection rolls and other documents deposited in the office of the council, and he may demand the services of the municipal officers of such council, under the same penalties as if such services were required by the council itself.

Rights and
powers.

534. He takes possession of the valuation roll and other documents which are necessary to him for the execution of the judgment and orders of the court.

On the refusal or neglect of the city council or its officers to deliver up such documents, he is authorized to take possession thereof.

Special col-
lection roll.

535. If it be impossible for the seizing officer to obtain the valuation roll which should serve as a basis for the collection of the moneys, or if there be no such valuation roll, the sheriff shall, without delay, proceed to make a valuation of the taxable property ; and he is authorized to base the special roll for the collection of the moneys to be levied on such valuation as if it were the valuation roll in force.

Costs.

The costs incurred in making such valuation, as taxed by the court from which the writ issued, form part of the costs of execution and are recoverable from the city.

536. The fees, costs and disbursements of the sheriff are How taxed.
taxed in the discretion of the judge of the court from which
the writ of execution issued.

537. The sheriff transmits to the office of the council a Return of doc-
uments after
collection.
copy of his special collection roll, and any other roll or
document whereof he has taken possession, after having
levied the whole amount set forth in the writ of execution,
together with interest and costs.

538. The arrears due, in virtue of the sheriff's special Arrears.
collection roll, belong to the city, and may be recov-
ered by such city in the same manner as any other muni-
cipal tax

If any surplus remain in the hands of the sheriff, it shall Surplus.
belong to the city.

539. The sheriff may obtain from the court any order Orders of
court.
calculated to facilitate and ensure the complete execution
of the writ addressed to him.

540. If the city hold property in its own name, such Sale of cor-
poration prop-
erty.
property may be seized and taken in execution in the
ordinary manner prescribed in the Code of Civil Procedure.

If any such property be mortgaged for the debt which is If mortgaged.
the object of the judgment, it shall be sold before the issue
of the writ mentioned in article 530.

TITLE XV.

RECOVERY OF PENALTIES.

541. Penalties imposed by the by-laws of the council or Court before
which suits
are to be
brought.
by the provisions of the charter, shall be recoverable before
the Recorder's Court of the city of St. Henri.

542. All penalties incurred by the same person may be Suit.
included in the same suit.

543. Every suit for the recovery of such penalties shall Prescription.
be begun within six months from the date when they were
incurred, after which period the same cannot be brought

544. Such prosecutions may be brought by any person Who may
bring suit.
of age in his own name, or by the mayor in the name
of the corporation.

545. Any such suit may be decided on the oath of one Proof.
credible witness.

To whom fine
belongs.

546. Penalties recovered in virtue of the by-laws of the council, or of the provisions of the charter, belong, unless it is otherwise provided, one half to the prosecutor and the other half to the corporation.

If the prosecution have been brought in the name of the corporation, the penalty belongs wholly to the corporation.

If the penalty be due by the corporation, it belongs wholly to the prosecutor.

Imprisonment
in default of
payment.

547. In default of payment of the fine imposed by the court, and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment, however, ceases on payment of the sum due.

Discharge.

Such imprisonment discharges the person who undergoes it from the obligation of satisfying the judgment against him.

If demand
dismissed.

548. The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, is bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in the preceding article.

TITLE XVI.

RECORDER'S COURT.

Recorder's
Court.

549. Articles 4592 to 4615 inclusively of the Revised Statutes shall no longer, apply to the city and the council may, by by-law, establish a court of record called the "Recorder's Court," which shall be presided over by the recorder, who shall be appointed in the manner hereinafter prescribed, and shall sit in the city-hall or any such other place as the council may determine.

Seal of court.

The said court shall have a seal.

Appointment
of recorder.

550. The recorder shall be appointed by the Lieutenant-Governor in Council, at the suggestion of the council of the city ; he shall be *ex-officio* a justice of the peace for the district of Montreal, having all the rights and powers of one or more justices of the peace and of the Recorder's Court.

Removal on
joint address.

551. The Lieutenant-Governor may, however, remove him on a joint address of the Legislative Council and Legislative Assembly.

Qualification.

552. The recorder must be an advocate of at least five years' practice.

553. Such office and the performance of the duties thereof shall not prevent the recorder from practising his profession before any other court than the Recorder's Court, any law or regulation to the contrary notwithstanding.

Appointment not to prevent his practising.

554. The salary of the recorder shall be fixed by a resolution of the council of the city.

Salary of recorder.

555. The recorder may, from time to time, appoint under his hand a deputy-recorder, who shall be an advocate of five years' practice, and shall, *ipso facto*, be vested with all the powers of the recorder.

Appointment of deputy.

The original of such appointment shall be deposited and registered in the office of the city clerk.

Deposit of original appointment.

556. The person so appointed possesses, for and during the period of time limited in the instrument containing his appointment, or, if no period of time be therein limited, then from the date of the registration, as aforesaid, until the revocation thereof, the jurisdiction, and is vested with all the rights, powers and privileges, and is bound to discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him.

Powers of deputy-recorder.

The city shall not be held to pay for the services rendered by such deputy, except in case of the illness of the recorder, and during the time allowed to the recorder for his holidays, which shall not exceed thirty days in any year.

When he is to be paid.

The amount to be paid to such deputy for his services, in such cases, shall be fixed and determined by the finance committee of the council.

Amount how fixed.

The Recorder's Court shall not, at any time, be deemed to have been illegally held, nor shall the acts of any deputy-recorder be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.

Court not to be deemed illegally held in certain cases.

557. In case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor appoints his successor, in accordance with the law. If the recorder dies without having appointed a deputy, then the council shall appoint one who possesses the jurisdiction, and is vested with all the rights, powers and privileges of the recorder until one is appointed by the Lieutenant-Governor in Council.

Deputy to act in case of death of recorder.

Appointment in case of death of recorder and no deputy appointed by him.

558. The clerk of the Recorder's Court is appointed by the council, during pleasure; he is *ex officio*, a justice of the peace in and for the district of Montreal.

Appointment of clerk and his powers.

He is the custodian of the seal of the court.

Appointment
of deputy.

559. The clerk may, with the approval of the recorder, by an instrument under his hand, to be acknowledged by him before the recorder and entered in the register of the court, appoint a fit and proper person to be and act as his deputy, and he may remove any person so appointed and appoint another in his stead.

Duties, &c.,
of such de-
puty-clerk.

560. So long as he holds office, such deputy shall fulfill all the duties, and shall be invested with all the powers, imposed or conferred by this act, on the clerk of the court.

Oath of office
to be taken
by recorder,
deputy-re-
corder, clerk
and deputy.

561. Immediately after their appointment and before entering into office, the recorder, the deputy-recorder, the clerk and the assistant-clerk of the said court, shall make oath to well and faithfully perform the duties of their office.

Effect of omis-
sion so to do.

The omission on their part to do so within ten days from the date of their appointment, constitutes a refusal to accept such office.

Before whom
clerk and dep-
uty are sworn.

562. The clerk and deputy-clerk take the oath of office before the Recorder's Court; and the said oath is inscribed on the document appointing such clerk or deputy-clerk.

Deputy to act
if clerk dies.

563. In the event of the death of the clerk, the deputy-clerk continues to act as such until another clerk is appointed by the council.

Jurisdiction
of Recorder's
Court.

564. The Recorder's Court has jurisdiction throughout the whole extent of the city, as regards matters within its competency.

Recorder may
hear and de-
termine :

Suits for re-
covery of tax,
&c. ;

Suits for re-
covery of
sums due to
corporation
for rent of
butchers'
stalls, &c. ;

Suits for re-
covery of
water-rates,
&c. ;

Suits for ser-
vants' wages,
&c.

565. It has the jurisdiction of a recorder, and shall hear and determine summarily :

1. Any action brought for the recovery of any sum of money due to the corporation for any tax or assessment imposed by any by-law or resolution of the council ;

2. Any action for the recovery of any sum of money due to the corporation, for the rent or license of any butcher's stall, or other stall or stand in or upon any of the public markets in the city, in virtue of any by-law of the council, or for any tax or duty imposed and levied in and upon the public markets or private butchers' stalls in the city ;

3. Any action for the recovery of water-rates, or any sum of money that may be due and payable to the corporation for the supply of water furnished from the Montreal Water-Power Company to any house or building, or for the use of any person in the city ;

4. Any action for the recovery of the wages of servants, apprentices, domestics or journeymen, or of damages aris-

ing out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars.

566. It has concurrent jurisdiction with the Circuit Court, and with any judge of the Superior or Circuit Court, as to matters between lessors and lessees, and may proceed in virtue of paragraphs 1 and 2 of article 1624 of the Civil Code, in the same manner and with the same formalities as the Circuit Court, or any judge of the Superior or Circuit Court, in accordance with the Code of Civil Procedure; it can, however, take cognizance of such matters only in cases where the rent or equivalent value does not exceed the sum of one hundred dollars and applies to real estate within the limits of the city.

Concurrent jurisdiction with Circuit Court, &c., in suits between lessors and lessees, for certain sums.

Proviso.

567. After judgment ordering the eviction of the tenant in virtue of the preceding article, the plaintiff may, three days after service of such judgment on the tenant, obtain from the Recorder's Court a warrant or writ of possession, which is executed by a bailiff of the Superior or Recorder's Court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect.

Writ of possession may issue in such suits.

568. The Recorder's Court may take cognizance of and determine, in a summary manner, all offences referred to in articles 2783 to 2793, both inclusive, of the Revised Statutes, in so far as the provisions of these articles are applicable to the city; and article 2782 of the said Revised Statutes applies to the recorder, *mutatis mutandis*.

Jurisdiction of Recorder's Court under R. S., 2783 to 2793.

The court has also jurisdiction in any suit for the recovery of any fine or penalty imposed in virtue of this act or any by-law of the council and incurred for any infraction of the provisions of such act or by-law.

Jurisdiction in suits for fines, &c., under this act or the by-laws.

569. The Recorder's Court may sit daily, and as many times as may be necessary each day, and it may fix any time for the hearing and disposing of any offence within its jurisdiction punishable upon summary conviction; and any police officer or constable may bring before the court any person accused of any such offence, to be then and there dealt with according to law.

Sittings of the court.

570. The Recorder's Court causes order to be maintained during its sittings, and may punish, by fine or imprisonment, any person guilty of contempt of court during its sittings.

Order during sittings.

571. The council appoints, from time to time, such number of bailiffs of the Recorder's Court, as may be necessary; and may dismiss them, at any time, and appoint others in their stead.

Appointment &c., of bailiffs, &c.

Returns of writ of summons, &c., to be under oath of office.

572. Every such bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued by the said court, shall make a return, under his oath of office, of all proceedings taken by him in relation to such writ ; and such return shall suffice for all purposes.

Bailiffs of Superior Court may also act.

573. The returns of service of any writ issued by the said court may likewise be made by any bailiff of the Superior Court ; and, in all cases so instituted in the Recorder's Court, any such bailiff shall have, *ex officio*, full power and authority to fulfil the duties of bailiff of the Recorder's Court, in the same manner as if specially appointed for that purpose.

Clerk to make out writs, &c.

574. The clerk shall prepare and make out all summonses, orders, writs and warrants whatsoever, which shall be issued by the said court.

Conduct proceedings for corporation. Exception.

He shall conduct all cases and suits cognizable by and within the jurisdiction of the said court, except in cases where the corporation shall deem it expedient to appoint a special attorney or to associate him with counsel.

Entries in register of proceedings.

575. The clerk shall enter daily, in a succinct manner, in a register, the proceedings had in each cause or complaint brought before the court.

Certain articles of C. C. P. to apply to recorder and Recorder's Court.

576. Articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, and 80, articles from 615 to 631, inclusively, and articles 1188, 1190 and 1191 of the Code of Civil Procedure, as amended, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the Recorder's Court.

Delays on garnishee writs.

577. In the case of seizure by garnishment after judgment, the delay upon the summons is the same as that in ordinary civil actions issued from the said Recorder's Court.

Judgments executory beyond district, if specially authorized by recorder.

578. Upon a special authorization of the recorder, the judgments and orders of the court are executory beyond the limits of the judicial district in which they are rendered.

Proceedings need not be entered at length in register.

579. It is not necessary for the clerk to enregister at full length the proceedings, judgments and convictions of the said court, but a roll only of the said judgments and one of convictions shall be kept by him, wherein are set forth, in the first case, the name of the defendant, the nature of the debt, and the date of judgment ; and, in the second, the nature of the offence, the penalty, and the date of conviction. The notes of proceedings endorsed on the original summons or complaint shall be sufficient evidence thereof

580. Every summons, order, writ or warrant of any nature whatsoever, issued by the said court, shall run and be in the name and style of Her Majesty, her heirs or successors. They shall be signed by the clerk of the court.

Writs, &c., to be in Her Majesty's name.

581. In cases tried for drunkenness, or where a person is arrested on view by a police officer or constable, for an offence against the law, as contained in articles 2783 to 2793, both inclusive, of the Revised Statutes, or 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 arrested such person, shall be a sufficient complaint; if, however, such person demands that the complaint be reduced to writing, the court shall direct the clerk so to do.

Complaints in certain cases need not be in writing.

Proviso.

582. In all prosecutions instituted before the Recorder's Court, other than civil actions, the provisions of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings before justices of the peace, shall apply to the Recorder's Court and to the recorder, as regards the mode of proceeding on such prosecution to the final conviction or to the final judgment or order, the execution and carrying out of such conviction, judgment or order, and, generally, as to all rules imposed upon such justice for such objects, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation to the same.

R. S. C., cap. 178, applies to all other than civil cases.

The several forms therein contained may be varied, in so far as it may be necessary, to render them applicable to the said court.

Forms.

583. In case of complaint for an offence against the provisions of any by-law of the council, where the person contravening such provisions has not been apprehended on view, such person may be summoned by a writ to appear before the court, and he shall answer the complaint, as set forth in the writ, which shall contain a summary statement of the cause of complaint or demand, and which writ shall be served upon the defendant by any bailiff or constable; provided that, in all cases of offences, for the commission whereof a fine or imprisonment is imposed by any such 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 taken before him.

Summoning of offender if not arrested.

584. In any civil action, there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court.

Delay upon summons in civil suits.

If no appearance.

If the person so summoned does not appear, proceedings by default may be taken against him, and upon proof made, even by the oath of the plaintiff alone, the court shall render judgment accordingly with costs.

Plea, if appearance.

If he appears, he must plead to such action within twenty-four hours, and his plea shall be entered or filed, proof shall be adduced by the parties, and judgment finally rendered in the case in accordance with law and justice, with costs.

Confession of judgment.

If he confesses judgment, judgment shall be entered with costs.

Delay upon confession.

585. The court may grant a delay of not more than two months to any defendant who confesses judgment after the return of the action brought against him.

Allegations not required in suits, &c.

586. In any complaint or prosecution brought by the corporation, in the said Recorder's Court, it shall not be necessary to specify or recite the provisions of law or the by-law under which such suit, prosecution or complaint is brought; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf.

Deposition not required to institute proceedings.

587. Such suits need not be begun by the deposition or information on oath of the plaintiff or complainant; but the purport of the complaint or demand shall be sufficiently set forth in the writ or declaration annexed thereto.

Power of court to compel attendance, &c., of witnesses.

588. The court has power to compel witnesses to appear before it, and to answer all legal questions put to them, in the same manner as in the ordinary courts of civil jurisdiction in this Province.

Coercive imprisonment.

589. The court has the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure.

Rules respecting evidence, &c.

590. In any civil action, the court shall, as regards the admissibility of oral testimony, and the competence and the number of witnesses, follow the rules prescribed in that respect by the law in relation to civil matters, subject however to the following provisions.

Members of council and employees of corporation, competent witnesses.

591. In any civil action or proceeding, or in any prosecution or complaint for any offence committed against any by-law or against the provisions of any of the acts hereinbefore cited, any member of the council, or any officer or servant of the corporation, shall be a competent witness, provided he has no direct interest in the result of

Proviso.

the action, prosecution or complaint, or is not incompetent from any other cause.

592. Any tax, assessment or water-rate due to the city, or any penalty or fine which may be claimed or sued for in the court, is recoverable on the oath of one witness; and any person accused in the court of any offence within its cognizance, may also be condemned on the oath of one witness. One witness sufficient in all cases.

593. The deposition of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences, as aforesaid, need not be reduced to writing. Depositions need not be reduced to writing.

594. The service of any summons in case of prosecutions for offences, as above mentioned, may be proved in open court by the bailiff, constable, or peace officer, who shall have made such service; and the services of summonses to witnesses, or of any other order of the said court requiring to be served, may be proved in the same manner. Proof of service of summonses in suits for offences.

595. The execution of any judgment rendered in any civil action, as above mentioned, shall be levied by seizure and sale of the goods, moveables and effects of the defendant. Execution how levied.

No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered. Delay after judgment, before execution.

596. The bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale of such moveables and effects, in the manner prescribed and practised in such cases under execution issued by any ordinary court of civil jurisdiction; subject, however, to the provisions contained in articles 421, 422 and 423. Proceedings by bailiff upon writ of execution. Proviso.

597. If the effects of the defendant are already under seizure, in virtue of any writ of execution issued by any other court, the bailiff, the bearer of the writ of execution issued by the Recorder's Court, shall suspend proceedings, and, upon production to him of the *procès-verbal* of such seizure, he shall hand over the writ issued by the Recorder's Court to the sheriff of the district, or to the bailiff who has made the seizure. Proceedings if effects are already seized under writ from another court.

598. The delivery of such writ of execution has the effect of an opposition for payment, and is sufficient to secure to the city, by privilege (in cases in which such privilege exists), the payment of the sum due in principal, interest and costs. Writ from Recorder's Court in such case has effect of opposition for payment.

Writs of *saisie-arrêt* after judgment may issue from Recorder's Court.

599. The court may issue writs of *saisie-arrêt* after judgment, in the same manner as the ordinary courts of civil jurisdiction, and shall follow, in relation thereto, the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie-arrêt*.

How recovery of fines is proceeded with.

600. The recovery of all fines adjudged by the court is proceeded with, in pursuance of the by-law imposing such fine, by writ of execution against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be; and such writ and warrant are issued in the manner above stated.

Stamps not required upon certain writs, &c.

601. It is not necessary to affix any law stamps to the summonses, writs, warrants or other documents issued by the Recorder's Court, except for proceedings in ejectment, hereinbefore provided for, wherein such stamps shall be used; this shall not, however, affect the tariff of the said court which shall apply to such cases in ejectment.

Proviso.

Power of court to apportion punishment according to gravity of offence.

602. The court has the power of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in this act and in the acts for the government of the city.

Council may proceed by summons or warrant against offenders.

603. The council, in all cases of offences, for the commission whereof a fine or imprisonment is imposed by any of its by-laws, may proceed against the offender, either by summons or warrant issued upon affidavit taken before the recorder.

Fines under this act, recoverable before Recorder's Court.

604. All fines imposed by this act or any by-law of the council, are recoverable before the Recorder's Court, with costs; and, in default of immediate payment of the said fine and costs, the person against whom judgment shall have been rendered, shall be imprisoned for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment.

Imprisonment in default of payment.

Fines incurred by a corporation, &c., how levied.

605. In all cases in which a fine has been incurred by a corporation, association or society recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association or 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.

606. Any joint owner or occupant of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the council, bearing upon such joint owner or occupant, or upon 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 owners or occupants, in the Recorder's Court, as may be deemed advisable, as also any agent of the said joint owner or occupant. In the suit to be instituted, it is sufficient to mention the name of such joint owner, or occupant, or of such agent, with the addition of the words: "and others," and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, is sufficient.

Suits for violation of by-law, &c., by joint owners, how proceeded with.

607. All actions taken by the city in the Recorder's Court, for the recovery of any tax, assessment or water-rate, or of any fine or penalty, is instituted in the name of "*The city of St. Henri.*"

In whose name suits are to be taken.

Those taken at the instance of private parties are in the name of such parties respectively.

608. All fines sued for and recovered in the Recorder's Court, under and by virtue of this act, or any other act or statute now in force, or to be hereafter passed, in relation to the city, belong to and form part of the general fund of the city, unless otherwise provided for, saving the provisions of article 546.

Fines, &c., to belong to general funds of the city.

609. To the council alone appertains the right of remitting the whole or part of any fine belonging to the city, as well as the costs of the suit occasioned by the prosecution for the said fine.

Remission of fines.

610. Such remission is made, in each case, by a resolution, adopted by the majority of the council, on a petition presented to the council to that effect, by the person asking therefor, and not otherwise.

How remission is made.

611. Whenever, in the present or any other act respecting the city, or in any by-law, imprisonment is imposed, such imprisonment is presumed and held to be in the common gaol of the district of Montreal.

Where imprisonment to be.

612. The Recorder's Court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs.

Costs discretionary.

613. In any action, proceeding or complaint by the corporation, it is not necessary to allege or to prove that the

Certain allegations and

proof not
necessary.

formalities required for the passing of a by-law have been observed, nor that such by-law has been transmitted to the Lieutenant-Governor; but the fact that such formalities have been observed is presumed, until proof to the contrary be made.

Variance be-
tween allega-
tions and
proof.

614. 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 name or surname, the occupation, description, or residence of any party mentioned therein, or to any other fact alleged therein, the court may, at any time, before, during, or after the trial, and before judgment, upon the 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 require it, the whole on payment of costs, in the discretion of the court.

Secretary-
treasurer to
deposit a-
mount due in
cases of *saisie-
arrêt* served
upon corpora-
tion.

615. In cases of *saisie-arrêt* served upon and left with the corporation, it shall be lawful for the secretary-treasurer of the city to deposit, in the office of the court from whence such *saisie-arrêt* issued, the sum of money which he may have belonging or owing to the defendant, that the said sum may be paid to whom it may appertain, as the court may order.

Tariff of fees of
clerk and
bailiffs.

616. The council may establish and amend the tariff of fees of the clerk and bailiffs in cases within the jurisdiction of the Recorder's Court.

TITLE XVII.

ROADS AND STREETS.

Public roads
in the city.

617. The right to use as public highways all roads, streets and public highways within the limits of the city, is vested in the municipal corporation, except in so far as the right of property or other right in the land occupied by such highways has been expressly reserved by those who had the right to do so, when they originally gave such lands to be used as roads, streets or highways, and except, as to any concession roads or side roads, within the city, where the persons now in possession, or those under whom they claim, have laid out streets in such city, without any compensation therefor, in lieu of such concession or side road.

Corporation
to repair, &c.,

Such roads, streets and highways, so long as they remain open as such, shall be maintained and kept in proper repair by and at the cost of the corporation, whether they

were originally opened or made by such corporation, or by the Government, or by any person.

If the corporation fail to keep in repair any such road, street or highway within the limits thereof, such corporation shall be punished by fine, in the discretion of the court, before which the conviction is had; and such corporation shall be also civilly responsible for all damages sustained by any party by reason of such default, provided the action for the recovery of such damages is brought within three months after the same have been sustained.

Consequences of neglect.

618. Every road or street shall, whenever the municipal council, a company, corporation, association or individual subdivides his or its land into building lots, have a width of at least sixty-six feet, English measure.

Width of streets.

619. Notwithstanding the provisions of the preceding article, the city is authorized to prolong its existing streets, and to give to such prolongations a width less than sixty-six feet, English measure.

Width of prolongations of streets.

620. Notwithstanding the same provisions, the city is authorized to ratify and adopt the plans of expropriation for the extension of St. John and Ste. Emilie streets, as drawn up by its engineer, with a width of less than sixty-six feet, English measure.

Certain plans of expropriation, &c., may be ratified by city.

TITLE XVIII.

REGISTRATION AND TRANSFER OF DEBENTURES.

621. It is the duty of the clerk or secretary-treasurer of the city (or person acting as such), within two weeks after the final passing of any by-law made and passed by such corporation for the purpose of raising money by the issue of debentures, and before the sale or contract for the sale of any such debentures, issued or intended to be issued thereunder, to transmit to the registrar of the county of Hochelaga a copy duly certified, as hereinafter provided, of each and every by-law made and passed as aforesaid by the city, together with a return in the form J showing: the title or objects of each such by-law, the amount to be raised thereunder, the number of debentures to be issued thereunder, the amounts thereof respectively, the dates at which the same respectively fall due, the assessed value of the moveable and immoveable property belonging to such corporation, the assessed value of the moveable and immoveable property of the municipality, and the amount of yearly rate in the dollar to liquidate the same.

Certified copies of all by-laws under which debentures are intended to be issued to be transmitted to the registrar of Hochelaga, &c.

Return to be made to Provincial Secretary.

622. The clerk or secretary-treasurer (or person acting as such) shall, on or before the tenth day of January in each year, transmit to the Provincial Secretary, a return made up to the thirty-first day of December then last past, in the form K, shewing the name of the city, the amount of its debt, if any, distinguishing the amount of debt incurred under section sixteenth of chapter fifth of title fourth of the Revised Statutes respecting the municipal loan fund, if any, from the remainder of its debt, the assessed value of the moveable and immoveable property belonging to the city, or the assessed value of the moveable or immoveable property of the city, or both, as the case may be, the total rates, per dollar, assessed on such last mentioned property for all purposes, and the amount of interest due by the corporation.

Registrar to file such by-laws, and to keep books with copies of the returns required by art. 621.

623. The registrar of the county of Hochelaga shall receive and file in his office the several by-laws required to be transmitted to him as hereinbefore provided, and shall cause to be entered, in a book provided for that purpose, true and correct copies of the returns hereinbefore required by article 621.

If requested, the registrar may register the name of any debenture holder, and registration to be *prima facie* evidence.

624. The registrar of the county shall provide a book of registration, wherein he shall, at the request of the original or any subsequent holders or transferees thereof respectively, from time to time, cause to be entered and registered the name of such original or subsequent holders or transferees, and such holder or last registered transferee in such book of registration shall be deemed *prima facie* the legal owner and possessor thereof.

Mode in which by-laws shall be certified.

625. All by-laws mentioned in article 621 shall be certified and authenticated by the seal of the corporation, and by the signature of the head thereof, or of the person presiding at the meeting at which the original by-law has been made and passed, and also by that of the clerk or secretary of such corporation.

By-laws, returns and books of entry in registry office, to be open to inspection.

626. The certified copies of all by-laws hereinbefore referred to and transmitted, as aforesaid, and also the returns mentioned in article 621, and the books of entry of such returns and registration, shall be open to public inspection and examination, and access had thereto at all seasonable times and hours, upon payment of certain fees as hereinafter provided.

Fees to be payable.

627. The following fees shall be paid to registrars under this title :

For registration of each certified copy of by-laws, the sum of.....	\$ 2 00
For registration of any returns as prescribed in form J, for each return, the sum of.....	1 00
For registration of the name of the holder or transferee of any number of debentures not exceeding five, the sum of....	0 25
Over five and not exceeding fifteen, the sum of.....	0 50
Over fifteen and not exceeding thirty, the sum of.....	0 75
Upwards of thirty, the sum of.....	1 00
For making search, inspecting each copy of by-law, and examining entries connected therewith.....	1 00

628. In all such cases that require the submission of any by-law or by-laws to the Lieutenant-Governor for his sanction, such sanction must first be obtained to bring the same within the meaning of the words "final passing" in article 621.

Meaning of term "final passing," as to by-laws to be submitted to the Lieutenant-Governor.

629. If the clerk of the city neglects to perform, within the proper period, any duty devolving upon him in virtue of this title, he shall be subject to a fine of two hundred dollars, and, in default of payment thereof, to imprisonment until such fine be paid, but for a period not exceeding twelve months, to be prosecuted for in the name of the Attorney-General, in any court having competent jurisdiction.

Penalty on officers of corporation neglecting their duties.

630. Any debenture issued, under the formalities required by law, by the corporation, payable to bearer or to any person named therein by bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder thereof, and enable him to maintain an action thereupon in his own name.

Debentures payable to bearer may be transferred by delivery.

631. Any debenture issued as aforesaid payable to any person or order, is, after general endorsement thereof, by such person, transferable by delivery from the time of such endorsement, and the transfer vests the property thereof in the holder, and enables him to maintain an action thereupon in his own name.

If to order to be endorsed.

632. In any suit or action upon any such debenture it is not necessary for the plaintiff to set forth, in the declaration or other pleading, or to prove the mode by which he became the holder of such debenture, or to set forth, or to prove the notices, by-laws, or other proceedings under or by virtue of which the debenture was issued, but it is sufficient to describe the plaintiff as the holder of the debenture (alleging the general endorsement), and shortly to state its legal effect and purport, and to make proof accordingly.

In declaring thereon, what facts to be stated.

Debenture
valid al-
though dis-
counted or at
interest high-
er than six
per cent.

633. Any such debenture issued as aforesaid, is valid and recoverable to the full amount thereof, notwithstanding its negotiation by such corporation, at a rate less than par, or at a rate of interest greater than six per centum per annum, and shall not be impeachable in the hands of a *bonâ fide* holder for value, without notice.

TITLE XIX.

CAPITALIZATION OF MUNICIPAL DEBTS.

Corporation
may capital-
ize debts by
by-law.

634. It is lawful for the corporation to capitalize its debts, lawfully contracted by it, under by-laws passed before the 29th August, 1881, and submitted to the electors, and to stipulate the payment thereof by annuities for a term not exceeding fifty years.

Approval by
electors not
required.

635. It is not necessary to submit such by-law for the approval of the electors.

Rate of inter-
est thereon.

636. The interest upon the capitalized debts shall, in no case, exceed the rate of six per cent. per annum, and is payable at such times as shall be agreed upon, yearly or oftener.

Corporation
may issue de-
bentures for
payment of
debt.

637. The corporation may, by a resolution of the council, issue debentures for the payment of such capitalized debts, payable at such time and in such places as shall be fixed in the said debentures.

TITLE XX.

APPLICATION OF THE CORPORATION'S SINKING FUND.

Employment
of sinking
fund.

638. Whenever the corporation has contracted a loan with respect to which it is bound to invest a sinking fund, it may use such sinking fund for the purpose of redeeming the bonds issued by it for such loan; provided that the interest on the debentures so redeemed be, in future, employed in the same manner as the sinking fund.

Proviso.

Applies to
loans already
made.

639. The previous article applies to loans made by municipalities, after the thirty-first day of October, 1879, and to those made before that date; provided that in the latter case there be no other stipulation in connection therewith, as to the manner in which such sinking fund was to be invested.

TITLE XXI.

EXEMPTION OF COMMERCIAL TRAVELLERS FROM
MUNICIPAL TAXES.

640. The corporation shall not levy any tax upon any commercial traveller, taking orders or selling goods, wares, or merchandise by sample, catalogue or price list, or require any such person to procure a license from the corporation.

Exemption of
commercial
travellers
from taxes,
&c.

TITLE XXII.

BRIBERY AND CORRUPTION IN MUNICIPAL MATTERS.

641. Every person who, directly or indirectly, shall promise, offer, give, or furnish, or cause or abet in causing to be promised, offered, given, or furnished, in whole or in part, to any member of the council, or to any officer of the municipality, before or after he shall have been qualified and have taken his seat, or entered upon his duty, any moneys, goods, right of action, or other thing, or anything of value, or any pecuniary advantage, present or prospective, or a share in any contract or undertaking, with intent to influence his vote, opinion, judgment or action, on any question, matter, cause, or proceeding, which may then be pending, or may by law be at any time brought before him in his official capacity, shall be liable to a fine of not less than five hundred dollars, if the sum of money or value of the goods, right of action or other thing promised, offered, given or furnished, do not exceed the said sum of five hundred dollars, and, if the sum or value is more than five hundred dollars, then any such person shall be liable to a fine equal to such sum or value, but not to exceed five thousand dollars, and, in default of payment, to imprisonment in the common gaol until such fine be paid.

Persons giving,
&c.,
bribes to any
member of
council or
municipal
officer,

Liable to fine
of certain
amount, &c.

Imprisonment
in default of
payment.

2. Every person who accepts any gift, promise, or undertaking, under any understanding that his vote, opinion, judgment or action shall be influenced thereby, in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall be liable to a fine of not less than five hundred dollars, if the gift, promise or undertaking accepted, does not exceed in value the sum of five hundred dollars, and, if the value exceeds the latter sum, every such person shall be liable to a fine equal to such value, but not to exceed five thousand dollars, and in default of payment, to imprisonment in the common gaol until such fine be paid.

Persons receiving
bribe,

Liable to a
fine of certain
amount,
&c.

Imprisonment
in default of
payment.

642. Upon judgment finally rendered against him, the person convicted of the offence shall forfeit his office, and

Persons disqualified for

any public
office in the
province.

shall further be disqualified from holding any public office in the Province.

Competence
of witnesses.

643. Every person offending against any of the provisions of this title shall be a competent witness against any other person offending in the same transaction, and may be compelled to give evidence before any court in the same manner as other persons ; but the testimony so given shall not be used in any proceeding against the person so testifying.

Provision as
to evidence
given.

Penalties how
recoverable ;
and appli-
cation of such
penalties.

644. The penalties enacted in this title may be recovered by any person suing as well in his own behalf as on behalf of Her Majesty, and two-thirds of every such penalty shall belong to the Crown for the uses of this Province, and the other third to the party prosecuting for the same, unless the suit is brought in the name of the Crown only, in which case the whole of the penalty shall belong to Her Majesty for the uses aforesaid.

TITLE XXIII

RESPONSIBILITY OF THE CORPORATION IF IT TAKES STOCK IN RAILWAYS.

Responsibility
of city as
shareholder
in railways.

645. The responsibility of the corporation as shareholder in railway companies is, like that of individuals, limited to the amount lawfully subscribed by it.

TITLE XXIV.

INDEMNITY TO JUSTICES OF THE PEACE.

Power to in-
demnify mag-
istrates.

646. The council shall have the power to indemnify the magistrates or justices of the peace who shall preside at the sitting of the special sessions of the peace in the city ; provided that the annual indemnity granted to each of them does not exceed one hundred and fifty dollars.

TITLE XXV.

PROVISIONS APPLICABLE TO ANNEXATION AND TO OTHER SPECIAL CASES.

School com-
missioners of
of city St.

647. When annexed to the city of Montreal, the school commissioners of the municipality of the city of St. Henri may continue to form a distinct corporation, under the

name of: "the school commissioners of the city of St. Henri when Henri," subject to the provisions of the laws concerning annexed to Montreal. public instruction.

648. It shall be lawful for the said school commissioners of the city of St. Henri to transfer all their school property and all arrears of school taxes to the Roman Catholic board of school commissioners of the city of Montreal, and thenceforward they shall be subject to the laws then in force in the city of Montreal for school purposes. Power of school commissioners of St. Henri to transfer their property, &c., to Catholic school commissioners of Montreal.

649. All the privileges conferred upon the school commissioners, by the two preceding articles, shall apply, *mutatis mutandis*, to the trustees of dissentient schools of the said city of St. Henri, and the trustees of dissentient schools of St. Henri and the school commissioners of the said city may, in future, fix and determine the salary of their secretary-treasurers, notwithstanding any provision to the contrary. Privileges apply to trustees of dissentient schools in St. Henri.

650. The provisions of this act shall in no manner affect the privileges granted by by-law, by the city, to companies furnishing light, or railways worked by electricity or other motive power, which privileges are hereby ratified and confirmed. Certain privileges granted by by-law not affected by act.

651. The by-laws of the council of the city shall be deemed and considered as public laws within the limits of the city, and as such, cognizance shall be taken thereof by all judges and other persons whomsoever without its being necessary to cite them specially. By-laws, &c., public laws within limits of city.

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

SCHEDULE.

 FORM A.

(ARTICLE 72).

Nomination paper.

We, the undersigned, duly qualified to vote at municipal elections in the city of St. Henri, do hereby nominate (name, residence and occupation of the person nominated), as a candidate at the election now about to be held of alderman for the ward of the said city.

In witness whereof, we have signed at St. Henri, this
day of 18

(Signatures with residences and occupations).

Signed by the said electors in presence of (name, occupation and residence).

(Signature).

I, the said , nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand, at St. Henri, this day
of 18 .

(Signature).

Signed by the said in presence of

(Signature).

FORM B.

(ARTICLE 73).

Oath of attestation of the nomination paper and of the consent of the candidate.

I, A. B., (profession), solemnly swear that I know (mentioning the name of the subscribers known to him), and that they are duly qualified to vote at the election of mayor (or alderman, as the case may be,) about to be held, and that they respectively signed the foregoing (or annexed) nomination paper with their signatures in my presence, and further (if the case be so), that I know the said _____ thereby nominated, and that he signed his consent to the nomination in my presence.

(Signature).

Sworn before me,
at St. Henri, this
day of

18 . }

FORM C.

(ARTICLE 79).

Commission of a deputy-presiding officer.

To (give name, occupation and residence) :

Know you that, in my capacity of city clerk, I have appointed, and do hereby appoint you, deputy-presiding officer, for poll number _____ of the electoral district in the _____ ward of the city of St. Henri, to act in that capacity according to law, at the election of alderman, (or mayor, as the case may be) to be held in the said city (or ward, as the case may be, stating the particular ward in which the election is to take place), on the _____ day of the month of _____ .

Given under my hand, at St. Henri, the
day of the month of _____ 18 .

(Signature).

FORM D.
(ARTICLE 106.)
POLL BOOK.

	Number of voters.	
	NAMES OF VOTERS.	
	Their occupation.	
	No.	Their place of residence.
	Street.	
	Owners.	
	Tenants or occupants.	
	Objections.	
	Sworn or affirmed.	
	Electors refusing to take the oath or affirmation.	
	Votes given for aldermen.	
	Votes given for mayor.	
	Electors voting after others had voted in their names.	
	Ballot-papers prepared with the aid of the deputy-presiding officer.	
	General remarks.	

FORM E.

(ARTICLE 241).

Oath of assessors.

I, A. B., having been appointed assessor for the city of St. Henri, do swear that I will faithfully, impartially, honestly, and diligently execute the duties of the said office, according to the best of my knowledge and ability. So help me God.

(Signature).

FORM F.

(ARTICLE 417)

Notice to rate-payers.

Public notice is hereby given, that the assessment roll for the _____ ward of the city of St. Henri, (or the special roll of assessment for the, *specify the purposes for which such roll is 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 my said office, within ten days from this day, without further notice.

(Signature),

Clerk or City-Treasurer.

CITY-HALL,

St. Henri, (date).

FORM G.

(ARTICLE 418.)

*Notice for the collection of taxes.*CORPORATION OF
ST. HENRI.

Mr.

COPY OF ACCOUNT.

Notice served, \$

(Date of notice.)

Costs \$

Notice.

CORPORATION OF
ST. HENRI.

Mr.

To the city of St. Henri.

*Dr.*To taxes, assessments, or
water-rates,*(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,

St. Henri, *(date)*

Costs,

Notice,

(Signature,)

Secretary-Treasurer.

FORM H.

(ARTICLE 419.)

Warrant of seizure.

PROVINCE OF QUEBEC,) IN THE RECORDER'S COURT OF
CITY OF ST. HENRI. { THE CITY OF ST. HENRI.

VICTORIA, *by the Grace of God, of the United Kingdom of
Great Britain and Ireland, Queen, Defender of the Faith :*

Debt	\$		
Costs			
Warrant.			
	\$		

To any Bailiff of the Recorder's Court of the City of St. Henri.

WHEREAS, A. B., (*name and designation of debtor*), hath been required by the secretary-treasurer, to pay into his hands, for and on behalf of the city, the sum of , being the amount due by him to the said city, as appears by the assessment roll, for the year 18 ; and whereas the said A. B. has 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 shall not be paid, that then you do, on such day as shall be indicated to you by the secretary-treasurer, sell the goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the city, 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, that you certify the same unto me, to the end that such proceedings may be had therein as to law shall appertain.

Given under the hand of the clerk of the Recorder's Court, at St. Henri, this day of in the year

A. H.,
Clerk of the Recorder's Court.

FORM I.

(ARTICLE 421).

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, as the case may be*), will be sold by public auction, at the hour and place hereinafter mentioned, to wit :

Names.	Amount.	Place of sale.	Hour of sale.

(Signature),

Secretary-Treasurer.

CITY-HALL,

St. Henri, (*date*).

FORM J.
(Article 621.)

RETURN as required by Title XVIII of the charter of the city of St. Henri, intituled : Registration and Transfer of Debentures.

1	2	3		4	5		6		7
Title or objects of the by-law.	Amount to be raised.	Number of Debentures and Amounts.		Date when payable.	Assessed value of moveable and immoveable property belonging to the city.		Assessed value of the moveable and immoveable property of the city.		Amount of yearly rate in the dollar to liquidate same.
		Number.	Amounts.		Immoveable.	Moveable.	Immoveable.	Moveable.	

Dated at _____, this _____ day of _____, A. D., 18 _____.

1897.

City of St. Henri.

Cap. 62.

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