

shall be liable, on summary conviction, to a penalty not exceeding ten dollars and costs for such offence, and, in default of payment, to imprisonment for six days."

11. Article 330 of the said Revised Statutes, as made applicable to municipal elections in the city, is replaced, for the purposes thereof, by the following :

R. S., 330,
replaced
for city.

"Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot paper has been put into the ballot box.

Delay to be
avoided in
voting.

The deputy-returning officer shall compel the elector to quit the poll forthwith after the depositing of his ballot, and, in default of so doing, shall himself be liable, upon summary conviction, to a penalty of twenty dollars."

Penalty on
deputy-re-
turning officer
in this respect.

12. Article 349 of the said Revised Statutes, as made applicable to municipal elections in the city, is replaced, for the purposes thereof, by the following :

R. S., 349,
replaced for
city.

"The deputy-returning officer, on being requested so to do, shall deliver gratis to each candidate, or to 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, together with a list of the names of the electors in respect of whom a second ballot has been issued under article 328."

Certificate of
number of
votes to be
given to can-
didate, &c.

13. The following section is added after section 65 of the said act 52 Victoria, chapter 79 :

Section added
after 52 V., c.
79, s. 65.

"**65a.** If it be proved, before any court or judge, at the trial of any such petition, as aforesaid, that any corrupt practice has been committed, by or with the knowledge and consent of any candidate at an election, his election, if he has been declared elected, shall be void.

Election to be
declared void
in certain
event.

Such candidate shall, during the seven years next after the date of such decision, be incapable of being elected an alderman of the city or of sitting as such."

Disqualifica-
tion of candi-
date in such
case.

14. This act shall come into force on the first day of February, 1895.

Coming into
force.

C A P . L I .

An Act to amend the charter of the city of St. Henri.

[Assented to 12th January, 1895.]

WHEREAS the city of St. Henri has, by petition to the Legislature, prayed for amendments to its act of incorporation, as well as to the acts 42-43 Victoria, chapter 58

Preamble.

55-56 Victoria, chapter 53, and 57 Victoria, chapter 60, which amend the said charter; and whereas it is expedient to grant its prayer and to give it more ample powers;

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

57 V., c. 60, s. 3, §1a, replaced. Boundaries of various wards: St. James' ward;

1. Subsection 1a of section 3 of the act 57 Victoria, chapter 60, is replaced by the following:

"1a. The boundaries of the various wards are as follows:

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 Côte St. Antoine, which limits are at the same time the limits of St. James' ward on that side;

St. Augustin ward;

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;

St. Antoine ward;

St. Antoine ward starts from the west side of St. Peter street, follows the limits of the municipality of the town of Côte St. Antoine, 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;

St. Henri ward.

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.

Council may change the limits of the wards.

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

57 V., c. 60, s. 3, §§ 1c, 1d, 1e, 1f, 1g, 1h repealed.

2. Subsections 1c, 1d, 1e, 1f, 1g and 1h of section 3 of the act 57 Victoria, chapter 60, are repealed; but such repeal shall take effect only for the elections of January, 1896, at which date the following provisions shall be substituted therefor.

Notice of elections.

3. At least eight days before the nomination of candidates for the office of alderman, the city clerk shall give public notice announcing the hour when and place where the nomination shall be made.

4. 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.

5. The city clerk, *ex officio*, presides at every municipal election.

Presiding officer.

6. 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.

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

His oath.

7. The presiding officer acts, as such, under his oath of office as officer of the council.

Oath of presiding officer.

8. 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.

Powers as justice of the peace.

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

9. 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 ;

Contents 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.

Attestation of nomination paper.

10. The nomination paper shall also be accompanied by an affidavit (according to form B), sworn before the city clerk or a justice of the peace setting forth :

Affidavit attesting :

1. That the deponent knows that the persons who signed the nomination paper, or at least ten of them, are qualified electors inscribed 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.

If only re-
quired number
be nominated.

11. If there be nominated, in the manner aforesaid, only the number of candidates required for any of such offices, such candidates shall be elected *ipso facto*, and the presiding officer shall pronounce them so elected.

Voting, if
more than
required
number.
Voting limited
to persons
nominated.

12. If 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.

Publication of
names of can-
didates.

13. The clerk 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.

Resignation of
candidates.

14. 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, on receipt of such declaration, shall give public notice of the fact.

Effect on
election.

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

Appointment
of other elec-
tion officers.

15. In addition to the presiding officer and election clerk appointed under sections 5 and following of this act, other election officers shall be appointed as hereinafter provided.

Deputy-pre-
siding officer.

16. The presiding officer shall appoint a deputy-presiding officer for each ward where a poll is to be held ; he may also appoint a poll-clerk for each poll (form C).

Poll-clerk.

Both these officers shall take the oath of office.

Oath.

Fees of such
officers.

17. The presiding officer shall perform his duties without remuneration.

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

Fine on offi-
cers infring-
ing act.

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

Polls when
and where
established.

19. Polls shall be established in each ward where an election is to be held, and the presiding officer shall establish

as many polls as there are multiples of two hundred and fifty electors entered on the list of electors in each ward.

The presiding officer shall, in due time, select 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.

Notice to be given.

20. The electors can vote only at the poll of the ward for which they are qualified.

Electors to vote only where 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 in any case once for the mayor, under pain of the penalty prescribed in the following article.

Proviso.

21. 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.

Fine for voting more than once.

22. 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.

Proof of qualification.

23. 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.

Notice to member elected.

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

Absence of notice.

25. When a person is elected alderman for more than one ward he must, within the same delay, declare which ward he intends to represent. 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.

Proceedings if person elected for two wards.

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

Vacancy in other seat.

26. 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.

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

Expenses of election. The election expenses are paid by the corporation.

Additional power of presiding officer. **27.** In addition to the powers conferred upon the presiding officer by section 8 of this act, he may, for the purpose of maintaining peace and good order, swear in as many special constables as he deems advisable.

May require assistance. **28.** 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

Licensed liquor shop, &c., to be closed during elections. **29.** 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.

Penalty. **30.** If the annual general elections do not take place at the time specified in this act, it shall be 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. **30.** If the annual general elections do not take place at the time specified in this act, it shall be 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.

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

Fine on aldermen not complying with previous section. **31.** 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 section, each of them shall be liable to a penalty not exceeding twenty dollars.

Whose duty it then is to fix day for election. In such latter case, it shall be the duty of the mayor in office, under a penalty of one hundred dollars, to fix the days of the elections and to give the notice required by the preceding section.

Electors' list to be supplied to deputy-presiding officers and a ballot box. **32.** 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.

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

How ballot box is to be made.

34. 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.

Ballot papers to be supplied.

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

To be all the same for each ward.

35. The ballot paper of each elector 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.

Description of ballot paper.

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

Order of names on ballot paper.

37. 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 for each member to be voted for.

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

Ballot papers to be white.

38. Every elector shall receive 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, shall hand them all together and folded separately to the said deputy-presiding officer.

Number of ballot papers to be given to elector and proceedings by him.

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

Posting of same.

The presiding officer shall also deliver 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.

Oaths of deputy and poll-clerk. Before whom deputy may be sworn. Oaths to be annexed to statement.

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

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

The said oaths shall be annexed to the statement mentioned in section 75.

Where voting shall take place.

41. The voting shall take 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.

Compartments in room.

42. 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.

Persons to be present.

43. In addition to the deputy-presiding officer and the poll-clerk, no persons 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.

Absence of agents provided for.

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

Oaths to be taken by agents, &c.

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

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

Box to be locked.

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

Commencement of voting.

46. Immediately after the box shall have been locked the deputy-presiding officer shall call 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.

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

Mode of voting.

48. If such name be found on the list of electors for such ward, the voter shall receive 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.

Delivery of ballot paper.

49. 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 :

Oath may be required.

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

Form of oath.

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 at 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.”

50. No ballot paper shall be given by the deputy-presiding officer to any elector, who shall have refused to take the oath or affirmation mentioned in the preceding section, 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.

51. Whenever any deputy-presiding officer has reason to know or believe that any person, presenting himself to

Oath exacted by deputy-

presiding officer. vote, has already voted at the election, or that such person desires 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.

Preparation of the ballot paper. **52.** The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot paper, making a cross with a black lead pencil, opposite the name of the candidate for whom he intends to vote, after which he shall fold it up, so as to conceal his mark, and hand it to the deputy-presiding officer.

Deposit of ballot in box. **53.** Such officer shall ascertain, by examination of his initials and of the number, without unfolding the same, that such ballot paper is the same supplied by him to the voter; and, after having detached and destroyed the annex, he shall immediately, and in the presence of the voter, place the same in the ballot box.

Entries in poll-book. **54.** The poll-clerk shall enter in the poll book, opposite the name of each elector presenting himself to vote and in the order in which they present themselves:

1. The word "voted," as soon as the elector's ballot paper shall have 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;

4. And shall designate, by a special mark on the list of electors, the names of those who have voted.

Aid in preparing ballot papers, &c. **55.** 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 shall declare 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

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

Mention thereof in poll book. Whenever a voter shall have had his ballot paper prepared in conformity with this section, mention of the fact shall be made in the poll-book opposite to the name of the elector.

56. 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.

Spilled ballot paper.

57. 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.

Electors to apply only once for ballot papers.

58. 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, the applicant, upon taking the oath specified in section 49, shall be entitled to vote as any other elector.

Vote tendered after previous vote in same name.

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.

Entry in poll book.

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

Interpreter.

60. 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.

Delay to be avoided.

61. 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 imprisonment not exceeding three months, in default of payment.

Taking ballot paper away prohibited.

62. 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.

63. With the exception of the case of section 55, 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 at such poll is about to vote or has voted.

Interference prohibited, &c.

Secrecy as to voting.

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

As to ballots applied for.

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.

Information as to voting not to be given.

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

Penalty.

66. Whoever acts in contravention of any of the provisions of the four preceding sections, shall be liable to a penalty not exceeding one hundred dollars, and imprisonment not exceeding three months, in default of payment.

Penalty for certain offences as to ballot paper.

67. Whoever shall fraudulently put or attempt 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.

Vote not to be disclosed.

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

Person voting in the place of another elector to be arrested on view.

69. Every person who, at an election of an alderman of the city, shall unlawfully attempt to vote or shall vote for and in 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.

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.

70. 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.

71. The deputy-presiding officer, on reading and counting the ballot papers, shall reject :

Rejected ballot papers.

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 or marks, or indications by which the voter might be identified.

72. 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.

Ballot papers counted and replaced in box.

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

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.

Report to presiding officer.

73. 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 decided.

His decision shall be final, and shall only be reversed on petition, questioning 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.

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

Statement to be made out by deputy-presiding officer.

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.

Documents placed in box. **75.** He shall also place 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.

Locking and returning box. **76.** The ballot box shall then be locked and sealed, and shall be returned to the presiding officer or to his assistant.

Delivery of boxes. **77.** If either of these officers be unable to receive or collect the ballot boxes, such boxes shall be delivered to one or more persons specially appointed for that purpose by the presiding officer.

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

Certificate of number of votes, &c. **78.** The deputy-presiding officer, on being requested so to do, shall deliver gratis to each candidate or his agents, or, in their absence, to the electors representing him, a certificate of the number of votes given for each candidate, and of the number of rejected ballot papers.

Secrecy at counting. **79.** Every election officer, candidate, agent or elector, by attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting.

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 shall act in contravention of any provision of this section, 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. **80.** 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.

81. After the final counting of the votes, the presiding officer shall declare and proclaim elected to the office of alderman the candidate who has obtained the largest number of votes in such ward. Proclamation of persons elected.

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

82. After the final counting of the votes, the secretary-treasurer shall wrap 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. Ballot papers to be kept for certain time afterwards.

83. 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 these documents. Loss of boxes.

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

84. If, in the case of the preceding section, 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. Manner of ascertaining number of votes given.

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.

85. In the case of the two preceding sections, 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.

86. 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,

87. In the case of an equality of votes for any of the said offices of aldermen, the council shall determine who is elected. When council determines who is elected.

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

88. 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.

Mayor elected for one year.

89. 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.

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.

42-43 V., c. 58, s. 18, § 1, replaced.

90. Subsection one of section eighteen of the act 42-43 Victoria, chapter 58, is replaced by the following:

Direct taxation for expenses of administration.

“1. 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.”

Appointment, &c., of assessors.

91. The council, in March of each year, appoints two or more assessors at its expense; and such assessors hold office till their successors shall have been appointed.

Their remuneration. Oath of office.

The remuneration of such assessors is fixed by the council, and, prior to acting as such, they take and subscribe the oath in the form E.

Their duties.

92. The assessors, every year, 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 assessment.

93. In assessing immoveable property, they 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, they 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.

Proviso.

94. When the assessors assess property possessed *par indivis* 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.

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

95. The finance committee may, from time to time, make rules and regulations regulating and determining the time when the assessors 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.

Rules for guidance of assessors.

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

Penalty for not answering or misleading assessors.

97. Upon the completion of the assessment roll of any ward or wards, the assessors give notice of such completion, specifying in such notice the delay for examining such assessment roll, which shall not be less than eight 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.

98. On the days fixed by such notice, the assessors 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 assessors 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.

Complaints not to be received after certain day.

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.

Record to be kept of proceedings.

The assessors keep a summary record of their proceedings upon all complaints made to them.

Appeal to Recorder's Court from decision of assessors.

99. Any rate-payer having complained of any entry, who may think himself aggrieved by the decision of the assessors, 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.

Proceedings before Recorder's Court.

All such petitions, together with a certified copy of the proceedings had in each case before the assessors, are filed with the clerk of the Recorder's Court, who gives each petitioner due notice of the day and hour when the said 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.

100. 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 delivered to city treasurer when revised. Effect thereof.

101. When the assessors 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.

102. Upon the delivery, by the assessors 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.)

Notice to be given of such delivery of roll.

103. 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.)

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

104. 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 after certain time after notice.

105. 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 obstacle.

Opening of closed doors, &c.

106. Before proceeding to the sale of such goods and chattels, the treasurer gives notice (in the form I) of the day and place of 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 a copy thereof mailed 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.

107. 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.

Return of surplus in certain cases.

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 be contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the Recorder's Court.

Preceding provisions apply to collection of water-rates.

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

109. 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.

57 V., c. 60, s. 15, repealed.

110. Section 15 of the act 57 Victoria, chapter 60, is repealed.

Appointment and powers of recorder.

111. The recorder is appointed by the Lieutenant-Governor in Council, on the recommendation of the council of the city of St. Henri; he is, *ex officio*, a justice of the peace in and for the district of Montreal; and is vested with all the rights, powers and authority of one or two justices of the peace and of the Recorder's Court;

Dismissal upon address.

The Lieutenant-Governor may, however, dismiss him upon a joint address from the Legislative Council and Legislative Assembly.

Recorder to be advocate of certain standing. Recorder may practise before other courts.

The recorder shall be an advocate of five years' practice. The acceptance of such office and the exercise of such functions shall not disqualify the recorder from exercising his profession before any court of justice, except the said Recorder's Court, any law or by-law to the contrary notwithstanding.

Salary of recorder.

112. The salary of the recorder shall be fixed by a resolution of the council of the city of St. Henri.

Appointment of deputy.

113. 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.

The original of such appointment shall be deposited and registered in the office of the city clerk.

Deposit of original appointment.

114. 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 be 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.

115. 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; and 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.

Deputy to act in case of death of recorder.

Appointment in case of death of recorder and no deputy appointed by him.

116. 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.

Is justice of the peace *ex officio*.

Custodian of seal of court.

He is the custodian of the seal of the court.

117. 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 remove any person so appointed and appoint another in his stead.

Appointment of deputy.

118. So long as he holds office, such deputy shall fulfil all the duties, and shall be invested with all the powers, imposed or conferred by this act, on the clerk of the court.

Duties, &c., of such deputy-clerk.

Oath of office to be taken by recorder, deputy-recorder, clerk and deputy.

119. 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 omission 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 deputy are sworn.

120. 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.

121. 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.

122. The Recorder's Court has jurisdiction throughout the whole extent of the city in which it is established, as regards matters within its competency.

Recorder may hear and determine :

123. It has the jurisdiction of a recorder, and shall hear and determine summarily :

Suits for recovery of taxes, &c.,

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 ;

Suits for recovery of sums due to corporation for rent of butcher's stalls, &c.,

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 ;

Suits for recovery of water-rate, &c.,

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 ;

Suits for servant's wages, &c.

4. Any action for the recovery of the wages of servants, apprentices, domestics or journeymen, or of damages arising out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars.

Concurrent jurisdiction with Circuit Court, &c., in suits between lessors and lessees for certain sum.

124. 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 of the judges of the Superior or Circuit Court, in accordance with the Code of Civil Procedure ; it can, however, take cognizance of such matters

Proviso.

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.

125. After judgment ordering the eviction of the tenant in virtue of the preceding section, 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.

126. 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 in suits under R.S.Q., 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.

127. 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.

128. 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.

129. 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.

130. 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.

Returns to writs of summons, &c., to be under oath of office.

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

Bailiff of Superior Court may also act.

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.,

131. 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.

132. The clerk shall enter daily, and 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.

133. 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 of Lower Canada, as amended, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the Recorder's Court.

Delays on garnishee writs.

134. 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. Proceedings need not be entered at length in register.

135. 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.

136. 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.

Writs, &c., to be in Her Majesty's name.

137. 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.

Complaints in certain cases need not be in writing.

138. 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 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. Proviso.

139. 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.

140. In cases 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.

141. 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. Delays upon summons in civil suits.

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. If no 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 Plea if appearance.

- 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. **142.** 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. **143.** 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.
- Depositions not required to institute proceedings. **144.** 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. **145.** The court has power to compel witnesses to appear in any action, prosecution, or complaint pending before it, and to answer all legal questions put to them, in the same manner as in the ordinary courts of civil jurisdiction in this Province.
- Coercive imprisonment. **146.** The court has the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure.
- Rules respecting evidence, &c. **147.** 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. **148.** 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 the action, prosecution or complaint, or is not incompetent from any other cause.
- Proviso. **149.** 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
- One witness sufficient in all cases.

its cognizance, may also be condemned on the oath of one witness.

150. 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.

151. 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.

152. 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.

153. The bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale of such goods, 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 106, 107 and 108. Proceedings by bailiff upon writ of execution. Proviso.

154. 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.

155. 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.

156. 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*. Writs of *saisie-arrêt* after judgment may issue from Recorder's Court.

How recovery of fines is proceeded with.

157. 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.

158. 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.

159. 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.

160. The council, in all cases of offences, for the commission whereof fine or imprisonment is imposed by any of its by-laws, may proceed against the offender, either by summons or by warrant issued upon affidavit taken before the recorder.

Fines under this act recoverable before Recorder's Court. Imprisonment in default of payment.

161. All fines imposed by this act, the charter of the city, 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.

Fines incurred by a corporation, &c., how levied.

162. 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.

Suits for violation of by-law, &c., by joint-owners, how proceeded with.

163. 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.

164. 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.*"

Suits to be taken in name of city, if by the city.

Those taken at the instance of private parties are in the name of such parties respectively.

If by private parties, in their names.

165. 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.

Fines, &c., to belong to general funds of the city.

166. 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.

167. 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.

168. 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.

169. The Recorder's Court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs.

Costs discretionary.

170. In any action, proceeding or complaint by the corporation, it is not necessary to allege or to prove that the 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.

Certain allegations and proof not necessary.

171. In all cases where, in any action or summons in civil or penal matters, there is variance between the alle-

Variance between allegations and proof.

gation and the proof relating to the Christian 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, at the discretion of the court.

City treasurer to deposit amount due in case of *saisie-arrêt* served upon corporation.

172. In cases of *saisie-arrêt* served upon and left with the corporation, it shall be lawful for the city treasurer 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.

173. 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.

FORM A.

(Section 9).

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.

(Section 10).

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 alderman 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).

A. B.

Sworn before me,
at St. Henri, this
day of

18

}

FORM C.

(Section 16).

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.
 (Section 39).
 POLL BOOK.

Number of voters.	
NAMES OF THE 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 have voted in their name.	
Ballot papers prepared with the aid of the deputy- presiding officer.	
General remarks.	

FORM F.

*(Section 91).**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 judgment and ability. So help me God.

(Signature).

FORM F.

*(Section 102).**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),

CITY HALL,

City Treasurer.

St. Henri, *(date)*.

FORM G

(Section 103).

Notice for the collection of taxes, &c.

CORPORATION OF ST. HENRI.	CORPORATION OF ST. HENRI.
Mr.	Mr.
COPY OF ACCOUNT.	To the City of St. Henri.
Notice served, \$	<i>Dr.</i>
(<i>Date of notice.</i>)	To taxes, assessments, or water-rates,
Costs \$	(<i>Here state account.</i>)
Notice.	\$

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,*)
City Treasurer.

FORM H.

(Section 104).

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 city treasurer, to pay into his hands, for and on behalf of the city, the sum of being the amount due by him to the city, as appears by the assessment roll, for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the city treasurer, sell the goods and chattels so by you detained, and do pay the money arising from such sale unto the city treasurer, that he may apply the same as by law directed and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern ; and, if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under the hand of the clerk of the Recorder's Court, at St. Henri, this day of in the year

X. Y.,
Clerk of the Recorder's Court.

FORM I.

(Section 106).

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),

CITY HALL,
St. Henri, (date).

City-Treasurer.

C A P. L I I.

An Act to amend the charter of the city of St. Hyacinthe.

[Assented to 12th January, 1895.]

Preamble.

WHEREAS the corporation of the city of St. Hyacinthe has prayed that the powers conferred upon it by its charter, 51-52 Victoria, chapter 83, as amended by the act 54 Victoria, chapter 80, be increased and the said charter amended ; and whereas it is expedient to grant its prayer ;

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

51-52 V., c. 83, art. 5, replaced.

1. Article 5 of the act 51-52 Victoria, chapter 83, is replaced by the following :

Voluntary annexation of adjacent lands.

“5. It shall be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the city of