

## CAP. XLIX.

An Act to amend the act 55-56 Victoria, chapter 49, respecting the charter of the city of Montreal.

[Assented to 27th February, 1893.]

**W**HEREAS, by the charter of the city of Montreal, 52 Preamble. Victoria, chapter 79, it is enacted : That the city council

is composed of the mayor and three aldermen for each of the wards of the city (section 12); That the mayor is elected for the term of one year and the aldermen for three years, one alderman from each ward retiring on the first Monday in February in each year, and that the election of mayor and retiring aldermen shall take place on the said first day of February in each year (sections 13, 16 and 43) ;

Whereas, by the act of this Province, 55-56 Victoria, chapter 49, amending the said charter of the city of Montreal, it was enacted (section 23) that the election of the mayor and aldermen of the said city should take place on the first day of February every second year, and that on the first of February, 1894, the city council of the said city should be entirely renewed, each ward being called upon to elect three aldermen ;

Whereas the said act 55-56 Victoria, chapter 49, contained no provisions with regard to the election of mayor and the aldermen retiring in 1893 ;

Whereas an election has been held in the city of Montreal on the first of February, 1893, for the mayor and the twelve retiring aldermen ;

Whereas doubts have arisen as to the validity of the said election and the interpretation to be given to the aforesaid act 55-56 Victoria, chapter 49 ;

Whereas it is advisable to remove the said doubts, and to explain the intention of this Legislature in adopting the said amendments to the charter of the city of Montreal ;

Whereas it is also advisable to amend the said act 55-56 Victoria, chapter 49, in other respects, as well as the charter of the city of Montreal ;

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

1. The act of this Province, 55-56 Victoria, chapter 49, Interpretation of 55-56 V., c. 49, and certain election declared valid.  
was not intended, nor has it had the effect of repealing the provisions of the charter of the city of Montreal, with regard to the election of the mayor and aldermen before 1894, but was intended to allow the said provisions to remain in force until the first of February, 1894 ; accordingly, the election of the mayor and aldermen, which took place on the first February, 1893, was and is hereby declared valid, as though the act 55-56 Victoria, chapter 49, had not been passed ;

Proviso.

Nevertheless, the vested rights with regard to costs in pending cases are not hereby affected.

52 V., c. 79,  
s. 50, amend-  
ed.

**2.** Section 50 of the act 52 Victoria, chapter 79, is amended, by striking out the words : " If only one candidate remains for the said office, the clerk shall proclaim him duly elected," in the eighth and ninth lines, and by replacing them by the words : " If no more than the required number of candidates for the said office remain, the clerk proclaims him or them duly elected."

Certain grant  
legalized.

**3.** The vote of ten thousand dollars granted by the city council in favour of the sufferers by fire at St. John's, Newfoundland, is legalized ; nevertheless, the vested rights as to costs in pending cases are not affected.

Proviso.

Id., s. 58,  
replaced.

**4.** Section 58 of the act 52 Victoria, chapter 79, is repealed and replaced by the following :

Duty of city  
clerk at close  
of polls.

" **58.** At the close of the polls, the City Clerk shall receive the returns from the deputy-returning officers, and will establish the total number of votes registered for each candidate for the office of mayor or alderman, and he shall then make an official report, which shall become part of the municipal records, declaring elected such candidates as have received the greatest number of votes. He shall immediately give public notice thereof.

Casting vote.

In all cases of a tie, the City Clerk shall give his casting vote."

55-56 V., c. 49,  
s. 16, amend-  
ed.

**5.** Section 16 of chapter 49 of the act 55-56 Victoria is amended, by adding thereto the following provisions :

How expro-  
priation is to  
be made.

" The expropriations shall be made in two sections,—the first from Chaboillez square to Guy street, and the second from Guy street to the south-western limit of the city, by means of two commissions, each composed of three members, who shall proceed simultaneously according to the formalities contained in the charter, but shall make two separate reports,—and these two commissions shall be appointed by the Superior Court of the district of Montreal (Practice Division) on the second of March next, without any other notice than that already given by the city."

52 V., c. 79 s.  
13, amended.

**6.** Section 13 of the act 52 Victoria, chapter 79, is amended, by replacing the words : " one year," in the first line, by the words : " two years."

Id., art. 16,  
amended.

**7.** Section 16 of the said act is amended, by replacing the words : " three years," in the fourth line, by the words : " two years."

8. Section 44 of the said act is amended, by adding, in <sup>Id., s. 44,</sup> the first line, after the words: "each year," the words: <sup>amended.</sup> "when a general election is to be held."

9. Section 51 of the said act is amended, by adding, in <sup>Id., s. 51,</sup> the fourth line thereof, after the words: "each year," the <sup>amended.</sup> words: "when a general election is to be held."

10. Section 53 of the said act is amended, by replacing, <sup>Id., s. 53,</sup> in the third line, the words: "for the election of an alder- <sup>amended.</sup> man," by the words: "for the election of aldermen."

11. Section 23 of the act 55-56 Victoria, chapter 49, <sup>52 V., c. 79,</sup> replacing section 43 of the act 52 Victoria, chapter 79, is <sup>s. 43, and 55-</sup> amended, by adding the following words at the end of the <sup>56 V., c. 49,</sup> second paragraph: <sup>s. 23, amend-</sup> ed.

"Each elector being called upon to give one vote for the <sup>Right to vote</sup> election of mayor, and being called upon to give as many <sup>of electors.</sup> votes as there are aldermen to be elected for the ward in which he is entered as an elector."

12. Section 46 of the act 52 Victoria, chapter 79, is <sup>52 V., c. 79,</sup> amended, by adding thereto the following paragraph: <sup>s. 46, amend-</sup> ed.

"The City Clerk shall keep a list upon which each office <sup>List to be kept</sup> of alderman shall have a special number from one to three <sup>by city clerk.</sup> in the following manner: "Office of alderman No. for ward."

Every nomination paper shall, by the insertion of <sup>What nomi-</sup> of a special number, indicate for which office of alderman <sup>nation paper</sup> the party presents himself, and the city clerk shall enter on <sup>shall contain,</sup> the said list, opposite each office of alderman, the name of the candidates for the said office."

13. The following section is added after section 55 of the <sup>Section added</sup> act 52 Victoria, chapter 79: <sup>after id., s. 55.</sup>

"55a. There shall be given to each elector, presenting <sup>Ballot papers</sup> himself at the poll house, a ballot-paper separate and dis- <sup>to be given to</sup> tinct for each office to be filled, and the ballot-paper shall <sup>electors and</sup> contain, in alphabetical order, the names of each candidate <sup>what to con-</sup> presenting himself for the said office." <sup>tain.</sup>

14. This act shall come into force on the day of its sanc- <sup>Coming into</sup> tion. <sup>force.</sup>