

Further pre-
amble.

Council au-
thorized to
issue bonds
for certain
sum, &c.

Debentures
how issued,
&c.

Interest there-
on.

Coupons pay-
able to bearer.

Possession of
coupons by
city, evidence
of payment.
Security for
debentures.

17. Whereas it is necessary to increase the power of the water-works and to continue the construction thereof, the city council is hereby authorized to issue bonds or debentures, or otherwise contract upon the credit of the city of Three Rivers a debt not exceeding twenty-five thousand dollars.

The debentures, so issued, solely and specially for the object above mentioned, shall be under the signature of the mayor, the counter-signature of the secretary-treasurer and the seal of the said corporation, and shall bear interest, payable half yearly, on the first of January and July of each year, at a rate not exceeding five per cent per annum, and coupons may be attached to all such bonds or debentures for the amount of the half yearly interest thereon.

Such coupons, signed by the mayor and secretary treasurer, shall be respectively payable to bearer, when and as soon as the half yearly interest mentioned therein shall become due, and shall, upon payment thereof, be delivered to the corporation.

The possession of such coupons shall be *prima facie* evidence that the half yearly interest therein mentioned has been paid according to the tenor of such debenture or obligation.

All these bonds or debentures, and the interest with the capital, shall be secured by special hypothec privileged upon the said water-works.

38 V., c. 76,
s. 65, and 53
V., c. 69, s. 9,
amended.

18. Section 65 of the act 38 Victoria, chapter 76, as replaced by the act 53 Victoria, chapter 69, section 9, is amended, by replacing the seventh paragraph thereof by the following :

Approval of
by-law, by
property
holders.

“ In order to have full force and effect, the by-law must be approved by the votes of two-thirds in number and in value of the said property holders who have voted. ”

CAP. LII.

An Act to revise and consolidate the charter of the city of Hull and the various acts amending the same.

[Assented to 27th February, 1893.]

Preamble.

WHEREAS the municipal council of the city of Hull has, by petition, prayed that the provisions of the various acts of the Legislature, respecting the corporation of the city of Hull, be revised and consolidated, and that further powers be conferred upon the said city, and has represented that such revision and consolidation would be of advantage to the public, and whereas it is expedient to grant the prayer of the petition of the council of the said city of Hull ;

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

INTERPRETATIVE PROVISIONS.

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

The word " council " shall mean the council of the corporation of the city of Hull ;

The words " mayor," " aldermen," " city clerk," " water-works' collector," " city treasurer," shall mean the mayor, aldermen, clerk, water-works' collector and treasurer of the corporation of the city of Hull, respectively ;

The word " corporation " shall mean the city of Hull as hereby constituted ;

The words " Recorder's Court " shall mean the recorder's court of the city of Hull ; and the word " Recorder," the recorder of the city of Hull ;

The word " city " shall mean the city of Hull or the corporation of the city of Hull (as the case may be).

The word " rate-payer " shall mean any person liable to the payment to the city of Hull of any assessment or tax of any nature whatsoever, including rates for water and light ;

The words " owner " or " proprietor," shall mean every person who is owner of a lot of land within the limits of the city, or who is owner only of the buildings erected on such lot of land, without being the proprietor thereof ;

The word " occupant " shall mean the person who occupies, in his own name or in that of his wife, an immoveable, consisting of a lot of land or of buildings by any title other than that of owner, lessee or usufructuary, and who derives revenue therefrom ;

The word " tenant " shall mean both the person who pays a rent in money and the person who is obliged to give the owner any share whatsoever of the price and revenue of the immoveable occupied by him, and such tenant must reside in the city of Hull, unless he be a tenant of a store, shop or office ; The word " assessment " shall mean the rates annually levied upon immoveable property in the city, as above set forth ; and the word " special assessment " or " apportionment " shall mean the assessment levied, from time to time, upon certain proprietors for local improvements ;

The word " tax " shall mean the personal duty or license fee levied upon trades, business, professions or occupations generally ;

"Water-rates."

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

"Person."

The word "person" shall mean any individual, company, association, commercial firm or corporation.

Name of act.

2. This act shall be known as "The charter of the city of Hull, 1893."

INCORPORATION.

Inhabitants incorporated.

Name.

General powers.

3. The inhabitants of the city of Hull, and their successors, inhabitants of the same, shall be a body corporate, in fact and in name, by and under the name and title of "The city of Hull," and as such, shall have perpetual succession, and a common seal, which the city of Hull has power to break, renew, change and alter at pleasure. They shall be capable of suing and being sued, and of impleading and being impleaded, in all courts of law and equity, in all manner of actions, as in public matters; of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estate, and of granting, selling, alienating, assigning, leasing, and conveying the same; and of entering into and becoming a party to contracts, and of granting and accepting bills, bonds, judgments or other instruments or securities, for the payment or securing the payment of any money, due by or to the city of Hull, and the performance of any other duty, matter or thing whatsoever.

BOUNDARIES OF THE CITY AND WARDS.

Corporate limits established.

4. The boundaries and limits of the said city of Hull shall be the same as they have hitherto been, that is to say, as follows: to comprise lots one to seven inclusive in the third and fourth ranges of the township of Hull, and part of lots one, two, three and four in the fifth range of Hull, and all that part of the township of Templeton, lying to the west of the river Gatineau, all of which may be better known and described as follows:

Commencing where the side line between lots seven and eight in the third range of the township of Hull meets the river Ottawa; thence northerly along the said side line sixty-seven chains and fifty-four links, more or less, to the line between the third and fourth ranges; thence northerly along the said line between lots seven and eight in the fourth range of Hull, eighty-two chains, more or less, to the line between the fourth and fifth ranges; thence easterly along the line between the said fourth and fifth ranges

ninety-seven chains and forty-four links, more or less, to the centre of the Gatineau road ; thence northerly along the centre of the Gatineau road one chain and seventy-one links, more or less, to a point opposite the centre of the Leamy road, twenty-nine chains and fifty links, and to continue in the same straight line a further distance of forty-two chains, more or less, to the river Gatineau ; thence along the westerly margin of the Gatineau river, with the stream, to its confluence with the river Ottawa at the point A on the plan of the said city ; thence on the bearing south forty-five degrees east, astronomically, to the boundary between the Provinces of Ontario and Quebec ; thence westerly in the river Ottawa, along the last mentioned boundary, against the stream, to a point in the same where it would be intersected by the side line between lots seven and eight in the third range of the said township of Hull, produced to meet the said boundary, and thence along the said last mentioned side line as produced to the place of beginning.

Nevertheless the north half of lot number seven in the fourth range of the township of Hull shall not form part of the boundaries of the said city of Hull ; it shall continue to form part of the municipality of the southern part of the township of Hull for municipal and other purposes ; however, the said lot shall continue subject to the payment of the debts due and contracted by the corporation of the city of Hull for public purposes, on or before the thirty-first of October, one thousand eight hundred and seventy-nine, and shall contribute to the payment of such debts in proportion to its value at the said date, the thirty-first of October, one thousand eight hundred and seventy-nine, as determined by the valuation roll then in force.

The jurisdiction of the city for municipal and police purposes shall extend to the middle of the Ottawa River, for municipal and police purposes, opposite the said city, and to the middle of the Gatineau River, to the east of the said city.

5. The city of Hull shall, for the requirements of this act, be divided into six wards, which shall be respectively designated and known under the names of " ward first, ward second, ward third, ward third *a*, ward fourth and ward fifth ; "

The said wards shall be bounded as follows, to wit :

Ward first. Commencing where the side line between lots seven and eight in the third range of the township of Hull, intersects the Ottawa River ; thence northerly along the said side line sixty-seven chains and forty-four links, more or less, to the line between the third and fourth ranges ; thence northerly along the side line between lots seven and eight in the fourth range, forty-one chains, more or less, to the northern boundary of the south half of the said lot number

seven; thence easterly along the said boundary to the said line between lots numbers six and seven; thence northerly along the said side line to the concession line between the fourth and fifth ranges, ninety-seven chains and forty-four links, more or less, to the centre of the Gati-neau road; thence northerly along the centre of the Gati-neau road, one chain and seventy-five links, more or less, to a point opposite the centre of the Leamy road; thence easterly along the centre of the Leamy road, to the side line between the lots three and four; thence southerly along the side line between lots three and four, to the line between the fourth and fifth ranges of said township; thence southerly along the side line between lots three and four in the fourth range to the centre of Walker street; thence easterly along the centre of Walker street, three chains and eighty links, more or less, to the centre of the Brewery channel or mill creek; thence along the main channel of the said mill creek, against the stream, to the Ottawa river; thence due south astronomically to the boundary between the Provinces of Ontario and Quebec; thence along the last mentioned boundary to a point in the same where it would be intersected by the line between lots seven and eight in the third range of the said township of Hull, produced to meet the said boundary, and thence along the said last mentioned side line between the said lots seven and eight produced to the place of beginning.

Second.

Ward second. Commencing in the centre of the Leamy road, where intersected by the side line between lots three and four in the fifth range of the township of Hull; thence easterly along the centre of Leamy road, fourteen chains and fifty links; thence in the same straight line a further distance of twenty-six chains and sixty-five links, more or less, to the line between lots two and three, in the same fifth range; thence southerly along the side line between lots two and three, thirty-six chains and twenty links, more or less, to the line between the fourth and fifth ranges; thence southerly along the said line between lots two and three in the fourth range to Chau-dièrè street; thence along the centre of Chaudière street to the centre of the common, where a boundary bolt has been planted; thence easterly at right angles with Chaudière street to a point opposite the centre of Bridge street; thence southerly along the centre of Bridge street and the Suspension bridge to the boundary between the Provinces of Ontario and Quebec; thence along the boundary between the Provinces of Ontario and Quebec, against the stream, to its intersection with the easterly boundary of ward first, and thence along the said easterly boundary of ward first to the place of beginning.

Third.

Ward third shall be bounded as follows: towards the south, partly by the division line between the Provinces of

Quebec and Ontario and partly by ward second, towards the north by the middle of Charles street, towards the east by ward fourth, and towards the west by ward second.

Ward third *a*, bounded towards the south by the middle ^{Third *a*.} of Charles street, towards the east partly by ward fifth and partly by ward fourth, towards the north by the division line of the said city and the municipality of the south part of the township of Hull, and towards the west by ward second.

Ward fourth. Commencing where the line, passing through ^{Fourth.} the centre of Lake street intersects a line passing through the centre of Division street; thence easterly along the centre of Division street, and a prolongation thereof to the boundary between the Provinces of Ontario and Quebec; thence westerly along the last mentioned boundary, against the stream of the Ottawa, to the south-east angle of ward third, and thence northerly along the eastern boundary of ward third to the place of beginning.

Ward fifth. Commencing where the said line between ^{Fifth.} lots one and two, in the fifth range of the township of Hull, intersected the river Gatineau; thence along the westerly margin of the Gatineau river, with the stream to its confluence with the Ottawa, at the point A. on the said plan; thence on the bearing south forty-five degrees east, astronomically, to the boundary between the Provinces of Ontario and Quebec; thence along the last mentioned boundary, against the stream of the Ottawa river, to the north-east angle of ward fourth; thence along the northern outline of ward fourth, to its north-west angle in lake Flora, and thence northerly along the eastern boundary of ward third to the place of beginning.

THE CITY COUNCIL.—MAYOR AND ALDERMEN.

6. The council of the city shall be composed of the ^{Composition} mayor, and two aldermen for each ward. _{of council.}

It shall exercise all the powers and discharge all the duties granted and imposed by this act upon the said city of Hull.

7. The mayor shall be elected for a term of one year by ^{Mayor.} the majority of the votes of the qualified municipal electors of the city cast at such election, and shall hold office until his successor in office shall have been elected and sworn in.

He shall be *ex officio* a justice of the peace for the city ^{Mayor and} of Hull; the office is gratuitous; the aldermen shall also ^{aldermen,} be *ex officio* justices of the peace. _{justices of the peace.}

8. In case a vacancy shall occur in the office of mayor ^{Vacancy in} from any cause whatever, the council shall, as soon as ^{office of mayor} possible after such vacancy, elect one of its members to be _{how filled.}

mayor for the remainder of the period for which the mayor, whose place is to be supplied, was elected to serve ; the acceptance of the office of mayor by such member shall have the effect of rendering his seat in the council vacant, and a new election to fill such vacancy shall be held.

Acting mayor. **9.** The council, at its monthly meeting, in the months of February, May, August and November, in each year, shall elect one of the aldermen to act as mayor during the ensuing three months, whenever the mayor may be absent, sick or unable to act ; and the member of the council so elected pro-mayor shall, during such absence, sickness or inability, have and exercise all the powers, authority and privileges, vested by law in the mayor.

Wards how represented. **10.** The several wards of the city shall each be represented in the council by two aldermen who shall not continue in office, without being re-elected, for a longer period than two years.

In the month of January, 1894, two aldermen shall be elected for ward third *a*, one of whom, to be designated by lot, in the manner indicated by the council, shall go out of office at the end of the year.

The alderman elected in the month of January, 1893, to represent ward third, as then existing, shall remain in office until the expiration of his mandate as alderman of ward third.

Alderman may resign. **11.** Any alderman may resign and vacate his seat in the council, by transmitting his resignation in writing, signed by him, to the clerk of the city ; but such resignation shall have no effect until it be accepted by a resolution of the council.

Vacancies how filled. **12.** If any vacancy occurs in the office of alderman, the council shall, by resolution, fix an early day for the nomination of candidates, and also the day on which the election shall take place in case of a contest ; notice of such nomination and election shall be given. The person so elected shall remain in office for the remainder of the time for which his predecessor had been elected.

Term of office of such person. **13.** Such nomination and election shall be held in the manner hereinafter prescribed, and the person elected shall hold office during the unexpired term of the previous incumbent's tenure of office.

Mode of nomination and election. **14.** No person is capable of being nominated or elected mayor of the city of Hull, unless he has been resident in the city for one year next before the election, and unless he,

Mayor's qualification. **14.** No person is capable of being nominated or elected mayor of the city of Hull, unless he has been resident in the city for one year next before the election, and unless he,

during the year preceding the day of his nomination, has been seized and possessed as owner, in his own name or that of his wife, of immoveable property in the city of the value of one thousand five hundred dollars, after payment or deduction of all charges thereon.

No person is capable of being nominated or elected alderman unless he has been resident in the city for one year next preceding the election and unless he, during the same period, and at the time of his nomination and election, is seized and possessed as owner, in his own name or that of his wife, of immoveable property in the city of the value of four hundred dollars, after payment or deduction of all charges thereon ; such immoveable property shall consist of buildings or land.

Qualification
of aldermen.

15. Upon a written demand made before the council, by an alderman or rate-payer, with respect to the qualification of the mayor or any alderman, such mayor or alderman shall, within the fifteen days following, give, in writing and under oath and with vouchers, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit and deposit the same in the office of the council, and, in default of his so doing, his seat shall *ipso facto* become vacant, on motion to that effect.

Declaration of
qualification.

16. Every mayor or alderman, who votes at a meeting of the council or of a committee without being qualified according to law, and without having filed the declaration mentioned in the preceding section, when called upon to do so, shall incur a fine of one hundred dollars for every such vote in such council or committee.

Penalty on
aldermen
voting with-
out being
qualified.

In the event of the mayor or an alderman disposing in any manner whatsoever of the immoveable which qualifies him, or allowing it to be hypothecated so as to affect the amount required for his qualification, two duly qualified electors may present a petition to the council to compel the said mayor or alderman to produce the title of another immoveable by which he may be qualified, and, in default of his doing so within fifteen days from the filing of such petition, his seat shall, upon a resolution to that effect, become vacant.

If property, on
which mem-
ber qualifies,
changes
hands.

17. No person can be nominated or elected as mayor or alderman of the city :

Qualification
to be nominat-
ed, &c., as
mayor or al-
derman.

1. Unless he is a British subject,
2. Has attained the full age of majority,
3. Can read and write (the fact of his being able to read print or to write his name or even to do both not being sufficient),

4. If he is in holy orders, or a minister or teacher of any religious sect, or a judge or clerk of a court of justice, or a member of Her Majesty's Privy Council, or of the Executive Council of the Province of Quebec, or

5. If he is a party to any contract with the city for the performance of any work, or surety for the execution of any contract; or if he is in any way accountable for the moneys of the city, or in the employ of the city; or if he is a party to any law-suit in which the city is an adverse party; provided, always, that no person shall be disqualified from being nominated and elected mayor or alderman of the city from the fact of his being a shareholder in any incorporated company which may have a contract or agreement with the city, or shareholder of any joint stock company.

Disqualification for mayor and alderman.

18. The following persons cannot be elected mayor or alderman, nor perform the duties thereof, nor be appointed to or fill municipal offices :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges or magistrates receiving emoluments from the Federal or Local Governments or from the city ;
5. Officers or men of the police force ;
6. Keepers of taverns, hotels or licensed liquor sellers, and persons who have acted as such within the preceding twelve months ;
7. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or who has, directly or indirectly, any contract with the corporation, except as provided in the preceding section ;
8. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up, owing to involuntary error or omission ;
9. Aliens ;
10. Any person convicted of treason or felony by any court of justice ;
11. Persons who are responsible for moneys belonging to the city, or, who are sureties for any employee of the council.

Causes of disqualification.

19. If any person, holding the office of mayor or alderman, is declared bankrupt, or becomes insolvent, or applies to take the benefit of any act for the relief of insolvent debtors, or compounds with his creditors, or takes or enters into holy orders, or becomes a minister or teacher of any religious sect, a judge or clerk of any court, or a member of Her Majesty's Privy Council or of the Executive Council of the Province of Quebec, or becomes accountable in any

way for the city revenue, or enters into the employ of the city, or is absent from the city more than two months continuously or from the meetings of the council for more than two months consecutively, unless in case of illness, or with leave of the council, or, directly or indirectly, becomes a party to, or security for, any contract or agreement with the city for the performance of any work or duty, or derives any interest, profit or advantage from such contract or agreement, to the extent of fifty dollars, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of mayor or alderman, as the case may be.

20. The mayor and aldermen, who are in office when this act come into force, shall continue in office until required to go out of office under this act. Present members to continue in office.

21. The municipal elections of the city of Hull shall be held on the second Monday of the month of January of each year, or on the following day, if such Monday be a holiday or non-judicial day; and public notice of such elections shall be given at least ten days before the nomination by a notice in French and in English, posted up during that time in the office of the clerk of the city and on the door of the city hall or published once in a newspaper of the city in French and in English as directed by the council. Elections when held.

22. Such notices shall be signed by the mayor or city clerk, and shall indicate the day, place and hour where the elections will be held. Notice therefor to be given.

23. All these elections shall take place, whether previous notice be given or not; but the city clerk who shall have neglected to give the notice required by law, shall be liable to a penalty of forty dollars. Penalty.

The nomination of candidates for the office of mayor and alderman shall take place at the city hall of the city of Hull, at the hour of ten in the forenoon; it shall be closed at the hour of eleven in the forenoon of the same day, during which time the officer presiding at such election, who shall be an alderman remaining in office, and who shall have been named president of such election by the resolution of the council at its first meeting in the month of December preceding, shall nominate for the office of mayor and aldermen all persons nominated in writing by at least five electors, qualified for each ward respectively, in the case of an election of alderman, and by twenty qualified electors, in the case of an election of mayor; Nomination.

Candidates without opposition to be declared elected.

If, at the close of the nomination, there be only as many candidates as there are mayor and aldermen to elect for each ward, who have been nominated, the election shall be declared closed, and the presiding officer shall declare elected mayor and aldermen the candidates who shall have been so nominated.

In case of opposition poll granted.

If, at the close of a meeting, there are more candidates nominated in the ward than there are aldermen to be elected, then the voting shall take place on the Monday following such nomination, or on the following day, if such Monday be a non-juridical day. The day of the nomination must however be stated in the public notices above mentioned. The same shall be done for the office of mayor, if there be more than one candidate nominated for that position.

Deputy-returning officers to be provided with copies of electors' lists.

As soon as a poll has been granted for the election of an alderman in the city or in a ward, the city clerk shall prepare for each electoral district, in which a poll is to be opened, copies of the electors' list lastly made and revised, which he shall transmit, duly certified, to the various deputy-returning officers.

Oath of the person presiding.

The person presiding over the election shall, before acting, take the following oath of office, before the clerk or treasurer of the city or before a justice of the peace of the district of Ottawa :

Form of oath.

"I solemnly swear that I will faithfully and impartially perform my duty, to the best of my knowledge and ability. So help me God."

Voting for mayor and alderman when and how held.

24. When a poll has been granted for the office of mayor, the election shall be held in all the wards at once, and, if the poll is granted for the election of an alderman, the voting shall take place in the ward for which a poll has been granted ; the voting for the election of the mayor and aldermen takes place on one and the same day, that is to say : the Monday following the nomination of the candidates as aforesaid, or the following day, if such Monday be a non-juridical day, and at the place, and before the deputy-returning officers appointed in the manner above set forth, and the poll shall be opened at the hour of nine in the morning, and be closed at five in the afternoon.

Elections to be by ballot, and law applicable.

25. The election of mayor or aldermen, in the said city, shall be by ballot, and the principle of the Quebec election law, as set forth in articles 292 to 416, inclusively, of the Revised Statutes, as well as the forms referred to in the said articles, shall apply to the municipal elections, *mutatis mutandis*, and shall govern them, as well as all matters connected therewith not specially mentioned in this act.

However, the form of oath to be taken by the electors, ^{Oath to be} contained in article 318 of the said Statutes, is replaced by ^{taken.} the following form :

OATH OF THE ELECTORS.

“ You swear that you are (*name, residence and occupation* ^{Form of oath.} *of the elector, as entered on the list*), whose name is entered on the list of electors, now shown you (*showing the list to the elector*), that you are of the full age of twenty-one years, that you have not previously voted at this election, and that you have not received or been promised anything, either directly or indirectly, to induce you to vote at this election. So help you God.”

In applying the said articles to the elections to be held ^{Interpreta-} under this act, the words : “ returning officer,” in all the said ^{tion.} articles, shall mean the person presiding at the election ; the words : “ deputy-returning officer ” shall mean the person in charge of any poll, and the words : “ Clerk of the Crown in Chancery ” shall mean the city clerk.

26. Every person who, at the election of a mayor or ^{Arrest, &c., of} alderman of the city or for a ward of the city, shall illegally ^{person} attempt to vote, or who shall vote for and in place of another ^{attempting} elector, may be arrested on view, by the returning officer or ^{unlawfully} any justice of the peace of the city of Hull, or by any other peace officer or constable present at such election, or in virtue of a warrant issued by a justice of the peace ; and the person so arrested shall be taken to and kept in the police station, or in the common gaol of the district of Ottawa, until the close of the said election, and until good and valid security be given that the person arrested shall appear to answer to the charges to be brought against him, to that effect, before the Recorder's Court.

Every person, who shall be condemned for an offence ^{Penalty for} as aforesaid, shall incur and pay a fine not exceeding fifty ^{such offence.} dollars, and, in default of the immediate payment of the said fine and costs, shall be liable for each such offence to imprisonment, for a period not exceeding two months, unless such fine and costs be previously paid.

27. When, in any one of the wards of the said city of ^{Subdivision of} Hull, the number of municipal electors exceeds that of ^{wards, in cer-} three hundred, it shall be the duty of the council of the ^{tain cases.} said city, at least one month before the voting day, by a resolution to that effect, to subdivide the said ward into voting districts, so that there shall not be more than three hundred electors in each voting district.

28. The persons, elected at the annual municipal elections ^{Term of office} as aldermen of the city, shall in all cases be elected for two ^{of aldermen.}

Retiring of
aldermen.

years ; at each such annual election, one of the aldermen of each ward shall go out of office, and such alderman shall always be the one whose election took place two years before, or his substitute.

Notice to per-
sons elected
and to other
members of
first meeting
of council
after election.

29. The presiding officer at the election or returning officer shall, within the two days after the closing of the poll, give a special notice to the mayor and to each of the aldermen elected at the last election, and to those remaining in office, of the place, day and hour of the first meeting of the council ; which meeting shall be held within the eight days from the said notice.

Oath of office
of mayor and
aldermen.

30. The mayor and aldermen elected shall, before acting as such respectively, subscribe the following oath before a justice of the peace :

Form of oath.

“I, A. B., solemnly swear to faithfully fulfil the duties of my office as mayor (*or alderman*) of the city of Hull, to the best of my judgment and ability. So help me God.”

Committees
of council.

31. The council may, from amongst its members, form as many committees as it may deem necessary for the expedition of business.

MUNICIPAL ELECTORS—LIST OF ELECTORS—REVISION OF THE LIST.

Qualification
of electors.

32. The following persons, being of the full age of twenty-one years, are municipal electors, namely :

Proprietors.

1. Every male person entered on the last assessment roll in force, as the owner of immoveable property in such ward, of the assessed value of two hundred dollars or upwards, or of the assessed yearly value of twenty dollars or upwards ;

Joint owners.

If such immoveable property is owned by several persons *par indivis*, each of them shall be entitled to a vote in respect thereof, provided the proportion of the assessed value of the property, corresponding to his share thereof, amounts to a sum sufficient to qualify him as an elector under the provisions hereof ;

Husband of a
woman under
law of separa-
tion as to pro-
perty.

2. The husband of any woman under the law of separation as to property, when she is seized and possessed, as proprietor or usufructuary, of immoveable property of the assessed value of two hundred dollars or more, or when she does business or has a place of business, which renders her subject to the payment of the business tax ;

Widows and
spinsters.

3. Widows and spinsters who are proprietors shall have the same rights, as to voting, as are conferred by this section upon male persons who are proprietors, subject to the same conditions ;

4. Every person whose name is entered on the last electors' ^{Tenants.} list as tenant paying a rent of at least twenty dollars per annum for a property or part of a property taxed, and who, for six months previous to the election, has been a *bonâ fide* tenant at a rent of at least twenty dollars per annum of such property or portion of a property, or of several properties or portions of properties successively and without interruption during the said period.

33. When there are several joint tenants, each one is ^{Joint tenants.} entitled to a vote, provided the proportion of the amount of the rent assessed and agreed upon, corresponding to his share, amounts to a sum sufficient to qualify him under the preceding section.

Such tenant or tenants must reside on the premises leased, ^{Tenants to pay city dues to enable them to vote, &c.} with the exception of tenants of stores, counting-houses, shops, offices or places of business ; provided, always, that no municipal elector shall have the right to have his vote registered unless he has paid, before the fifteenth day of December preceding, the municipal and school taxes then due to the city ; and every candidate at such election, or his representative at any poll, or the person presiding at the election, may compel him to produce the receipt for the payment of such taxes due and paid as aforesaid, and in the event of an elector having lost his receipt, he shall produce a certificate, which the city clerk shall give him for the purpose of voting, that he has paid the taxes at the time above mentioned, and in default of his producing such receipt or certificate, the debtor shall not vote at such election.

34. Persons entitled to vote, as aforesaid, shall vote in ^{When and in what manner electors may vote.} and for the particular ward in which the property constituting their qualification to vote shall be situated ; but when any such person is qualified as owner in more than one ward, or as tenant or occupant in one ward, and at the same time as resident owner in any other ward, he may vote for the election of aldermen in any or all of the wards wherein he is qualified so to do, and he shall be inscribed in the electors' list or extract from the valuation roll for each of such wards ; provided that for the election ^{Proviso.} of a mayor such person shall vote only once, even if he be qualified for several wards.

35. Between the fifteenth of December and the first of ^{List of electors.} January of each year, after the coming into force of this act, the city clerk shall make out, separately, for each ward, and according to the last valuation roll then in force, an alphabetical list of persons entitled to vote at municipal elections in each ward, by entering in as many distinct columns the

names and surnames of the electors, their occupation, the street, the property qualifying them, or the nature of the qualification of each of them ; which list shall be revised by the council or revising committee, at least four days before the day fixed for the election.

Oath of clerk as to accuracy of list. **36.** The city clerk shall certify to the accuracy of the list of municipal electors so drawn up by him, under the following oath, before a justice of the peace :

Form of oath. " I (*name of the clerk*) do swear that, to the best of my knowledge and belief, the above list of municipal electors is correct and that nothing has been unduly or fraudulently entered or omitted. So help me God."

Deposit of list, &c. He shall also, on or before the first of January of each year, deposit the said list in his office, where any interested person may have free access to the same or obtain a copy thereof on payment of the prescribed fee.

Division of wards into voting districts. **37.** The clerk, in making out the list of municipal electors, shall subdivide each ward into as many voting districts as may be necessary under section 27 of this act, after having, however, submitted such subdivision to the council at a previous meeting.

Application for inscription on list. **38.** Any person, whose name is omitted from the list of municipal electors for one or more wards or completely, or is wrongly entered, or under a wrong qualification, may be inscribed upon such list by applying to the council.

Qualification of electors, if list not made or revised. **39.** If, for any reason whatsoever, the list of municipal electors has not been made or revised, the qualification of persons for voting at the election shall be determined by the valuation rolls in force, whereof the clerk shall be bound to give extracts to the persons appointed to preside over the election, in the same manner as he is bound to deliver copies of or extract from the electors' lists for the Legislative Assembly.

CONTESTATION OF MUNICIPAL ELECTIONS.

Persons by whom and reasons for which election may be contested. **40.** Any election of mayor, alderman or member of the council may be contested by a petition to set aside by any candidate, or by five qualified electors, on the ground of violence, corruption, fraud, or incapacity, of insufficiency of legal votes, or the non-observance of essential formalities.

PROCEDURE.

Court before which brought. **41.** The Circuit Court of the district or of the county of Ottawa, sitting at Hull, shall take cognizance of such

contestation, and the costs shall be taxed accordingly as in non-appealable cases under one hundred dollars, notwithstanding the provisions of the following article, the effect of which is only to accelerate the procedure.

42. The contestation is tried and decided summarily. Procedure.

The usual procedure before the Superior Court in proceedings on prerogative writs shall be followed, in so far as the same may apply to the contestation and the incidental proceedings connected therewith.

The evidence shall be taken orally.

If the court so orders, the whole or a portion of the evidence may be taken down in writing.

PETITION TO SET ASIDE THE ELECTION.

43. Such contestation shall be made by a petition signed Petition. and sworn to by the petitioner or petitioners, in which shall be set forth the facts and reasons alleged in support of the contestation.

The petitioner or petitioners may also, in their petition, ask that the election be set aside or that judgment be rendered indicating the person duly elected instead of the person proclaimed elected, and state the facts necessary to establish such right, and pray accordingly.

44. A copy of the petition, with a notice stating the day Service. on which it will be presented, shall be served upon and left with each member of the council, whose election is contested, within fifteen days from the date of such election, otherwise the right of contesting shall be forfeited.

45. No such petition shall be presented or received after When petition to be presented. the thirty days following the date on which the contested election was held.

SECURITY.

46. The petitioner or petitioners shall give security for Security. the costs before the service of the petition; otherwise such petition shall not be received by the court.

Notice of such security shall be served upon the defendant at the same time as the petition. Service of notice of such security.

47. The security required by the foregoing article shall Before whom given. be put in before the clerk of the Circuit Court.

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

One suffices. One surety shall suffice.
 Deposit in lieu The security may be given by means of a deposit of an
 of bond. equivalent amount of money or securities in the hands of
 the clerk of the Circuit Court, who shall give a certificate
 thereof.

RETURN OF THE PETITION AND TRIAL.

Presentation **49.** The petition shall be presented in open court, or to
 of petition. a judge in chambers, together with the returns of the pre-
 liminary services.

Filing. If the petition must be presented to a judge in chambers,
 and if the judge be absent, it may be filed in the office of
 the clerk of the Circuit Court.

Technical **50.** If any defects or irregularities in the formalities
 objections. prescribed for the election are alleged in the petition as
 ground for setting the election aside, the court may admit
 or reject such grounds according as they may or may not
 essentially affect the election.

Proof and **51.** If the court or the judge, after having heard the
 hearing. parties, is of opinion that the grounds set forth in the
 petition are sufficient in law to have the election declared
 null, he shall order proof to be adduced and the parties
 interested to be heard, on the day he deems the most conve-
 nient.

Judgment. **52.** The court or the judge, by the judgment, may confirm
 or annul the election, or declare that another person has
 been duly elected.

Costs. **53.** The court or the judge may condemn either of the
 parties to pay the costs of the contestation.

How recover- Such costs shall be recoverable as well against the parties
 able. to the suit as against their sureties and all other persons
 who may be condemned to costs.

When exe- The judgment, in so far as regards the costs, shall be
 cutory against executory against the sureties, fifteen days after a copy
 sureties. thereof has been served upon them.

Power of **54.** If, in consequence of the contestations raised in con-
 judge if neces- nection with such petition, it should become necessary to
 sary to exam- verify the addition, examine or otherwise dispose of the
 ine poll- poll-books used in the election and other documents con-
 books, &c. nected therewith, or to examine the officers who superin-
 tended the election or acted therein in any capacity, the
 court or judge shall have the same jurisdiction, power and
 authority as any court or judge in this Province in similar
 cases.

55. If it be proved during the contestation that a person, other than the defendant, has contributed by any means to render such election null, the court may condemn such persons or any others who may have contributed thereto to pay the whole or a portion of the costs. Persons, contributing to render election null, may be condemned to costs.

56. The court may order that its judgment, if it annul the election or if another person be declared elected, be served, at the expense of the party against whom the judgment has been given, at the office of the council. Service of judgment.

57. If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it without interruption during vacation, adjourning from day to day until he shall deliver his final judgment upon the merits of the contestation. If the petition has been presented in chambers, the judge shall continue the case from day to day until judgment be rendered. Court to be continued. Case to be continued.

58. No election shall be contested in any other manner, nor according to any other procedure, than that prescribed by this act, and no appeal shall lie from a judgment on any petition under this act. No other manner of contestation.

BRIBERY AT ELECTIONS.

59. The following persons shall be deemed guilty of bribery and liable to the penalties hereinafter imposed for such offence : Persons guilty of bribery :

1. Every elector who, directly or indirectly, at any time before, during or after any municipal election in the said city, demands or receives any money or reward, in the form of a gift or loan or any other pretext, or agrees or stipulates that he shall receive any money, gift, office, employment or other reward to vote or abstain from voting at such election ; Elector receiving money, &c.;

2. Every candidate at such election, or any other person, who, directly or indirectly, by himself or by an agent, by means of a gift, reward, promise, agreement or guarantee, corrupts or attempts to corrupt an elector so that he shall vote or abstain from voting at such election ; Candidate offering money, &c.;

3. Every elector who shall, directly or indirectly, by means of a gift, loan, reward, promise or of any other pretext, favor, or agree to favor or endeavor to assure the election of any candidate at any municipal election in the city ; Elector receiving money, &c.;

4. Whoever shall receive any money, gift, reward or promise, under the form of hiring of vehicles or for loss of time, so as to give his vote, or who shall accept for any article of commerce an excessive price, for his vote, or with a view of his abstaining from voting at any municipal election in the city ; Elector receiving money, indirectly, &c.;

Employers
influencing
employees,
&c.;

Hiring
carters ;

Loaning
waggons.

5. Every employer, foreman or person in charge of any establishment or works of any kind who threatens to dismiss or to do any injury to his employee or to any employee ;

6. Any candidate or other person who engages or hires a carter for the purpose of conveying electors to the polls ;

7. Any person who for any money or any gift, reward or promise, or other pretext, shall loan his waggon, or other vehicle, to any candidate or other person for the purpose of conveying electors to the poll houses during an election.

Penalty.

60. Whoever shall infringe any of the provisions of the preceding article shall incur and pay for each offence a fine of fifty dollars, which shall be recovered with costs of suit, and for his own benefit, by any person who shall sue for the same before the Circuit Court for the district of Ottawa or before the Circuit Court of the county of Ottawa, sitting at Hull.

Loss of right
of voting, &c.

Every offender, found guilty in the cases mentioned in the preceding article, may be deprived of the right of voting or of being a member of the council of the said city, for one year, and his name shall be struck from the list of electors during that period.

Nullity of
votes.

61. All votes registered in violation of one of the provisions of section 59 shall be considered null and void ; and every act or offence punishable under one of the provisions of the said section shall be deemed an act of bribery within the meaning of this act.

Taverns, &c.,
to be closed.

62. Every tavern or inn licensed for the sale of spirituous or fermented liquors in the ward or wards of the city, and every house in which vinous or fermented liquors are sold in the city, shall be closed during the whole time that the polls are open, and, in default thereof, the corporation shall

Penalty.

have the right to impose a penalty of one hundred dollars, or less, against the person keeping such inn or tavern who neglects to close the same, and under the same penalties if he sells or gives spirituous or fermented liquors to be drunk, as aforesaid, during the election.

POWERS OF COUNCIL.

Extent of
jurisdiction of
council.

63. The council shall have jurisdiction throughout the entire extent of the city.

The meetings of the council shall be public.

The quorum shall be seven members.

The council shall meet at least once a month, namely : on the first day of each month if it be a juridical day, and if not, on the following juridical day, and may adjourn its sittings to a future day.

The council shall meet in the city hall.

SPECIAL MEETINGS.

64. The mayor may, whenever he deems it expedient or necessary, convene one or more special meetings of the city council. Calling of special meetings by mayor.

Four aldermen may also convene a special meeting of the said council; in such case they shall apply to the mayor, and request him to convene the said special meeting, and in the absence of the mayor, or on his refusal to act, they shall themselves call the special meeting, by indicating in writing to the clerk of the city, their object in convening such special meeting, and specifying the date on which they desire to have such special meeting. Same by aldermen in certain cases.

The clerk, on receiving such notice in writing from the said four aldermen, shall call a special meeting of the said council, by giving a written notice thereof to each of the aldermen. Notice therefor.

The said notice shall mention the subjects which are to be taken into consideration at the said special meeting; and, at such meeting, the council shall not have the right to take into consideration any other subjects other than those mentioned in the said notice. Subjects to be mentioned in notice, &c.

65. By-laws, resolutions and other municipal orders shall be passed by the council in session. How by-laws, &c., are passed.

66. The council, in the discharge of its functions, shall fulfill all the formalities required by the provisions of this act and by the by-laws in force in the city. Formalities to be observed by council.

67. Any document, order or proceeding of the council, the publication of which is required by the provisions of this act or by the council itself, shall be published in the manner and at the places prescribed for public notices, save the cases otherwise provided for. How documents are published.

68. The council may, however, sit with closed doors whenever it has to discuss the conduct of any of its members, or for any other matter of a private nature, or when it has to open tenders called for public works. Council may sit with closed doors, &c.

PROMULGATION AND AMENDMENT OF BY-LAWS.

69. The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the council, at the time of the passing of such by-law, and countersigned by the city clerk. Authenticity of originals of by-laws.

70. The originals of the by-laws submitted for the approval of the municipal electors, when such approval has Originals of by-laws that have been sub-

mitted to electors. been given, shall be accompanied by a certificate under the signatures of the mayor, or of the person who presided at the meeting, and the city clerk establishing the fact of such approval, and such certificate shall form part thereof.

Reading of by-laws. **71.** The council may, by resolution, order that the municipal by-laws be read two or three times before they pass, on different days or on the same day.

Translation of by-laws. **72.** The by-laws shall be translated into the English language.

Certificate of clerk as to by-laws. **73.** The certificate of the clerk, stating that the necessary procedure and formalities have been observed by the council or its officers at the time of the passing of the by-law, shall be *prima facie* evidence of its regularity.

Several objects may be regulated in one by-law. One approval for the whole. **74.** One and the same by-law may regulate several of the objects mentioned in the provisions of this act. In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Mayor to preside and casting vote. **75.** The mayor shall preside at all the meetings of the council and shall have a vote only when the votes are equal.

Absence provided for. If the mayor or pro-mayor is not present at the meeting, the council shall appoint one of its members to preside.

BY-LAWS OF THE COUNCIL.

Coming into effect of by-laws. **76.** The by-laws of the council come into effect, if not otherwise provided for in the provisions of such by-laws, fifteen days after publication, except when otherwise provided for by the provisions of this act.

How by-laws are published. **77.** The by-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, and before they can have any effect, in French and in English in a newspaper published in the city, once a week for two weeks, and if there be no such paper in the city, then in a newspaper published in a neighbouring locality.

Evidence of such publication. Every copy of such newspaper containing such by-law with a certificate from the clerk, shall be *prima facie* evidence of said publication for all purposes whatsoever.

78. By-laws are executory and remain in force until they are amended, repealed or annulled by competent authority, or until the expiration of the period for which they have been made. How long by-laws remain in force.

79. By-laws passed by the council shall, when published, be deemed public laws within the limits of the city and outside the same within the jurisdiction of the council. By-laws to be public laws in city, &c.

80. By-laws which, before coming into force and effect, must be submitted for the approval of the municipal electors, cannot be amended or repealed except by another by-law approved in the same manner, except those which contain a provision reserving to the council the right of amending or repealing the same; but, in such case, the amendment cannot derogate from the principles approved by the electors, and the by-law can only be amended in such manner as to make it more advantageous for the city. Amending of by-laws approved by electors.

The repeal or amendment of any by-law, other than those above mentioned, can only be made by means of another by-law; and, before proposing such by-law, it is necessary that a notice of motion should have been given at a previous session. Notice required to amend by-laws.

APPROVAL OF ELECTORS WHO ARE REAL ESTATE OWNERS REQUIRED FOR CERTAIN BY-LAWS.

81. When a by-law of the council has to be submitted to the electors who are owners or proprietors, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed. Proceedings for approval of electors to by-laws.

82. The general meeting of the electors who are owners or proprietors, is convened at least fifteen days beforehand, by a public notice signed by the mayor for a day specified by the council, and held in the public municipal hall at the hour of ten in the forenoon. Convocation of meeting.

83. The said meeting is presided over by the mayor or pro-mayor. Who presides.

If both are absent or unable to act, the city clerk appoints one of the aldermen to preside.

The city clerk acts as secretary, reads the by-law and submits it to the meeting. Secretary.

84. If more than one hour elapses after the meeting is opened, without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested. By-laws approved if certain time elapses.

Poll how demanded.

85. Six electors, who are owners or proprietors and qualified to form part of such meeting, may require that a poll be held to ascertain whether the by-law is approved or not.

Poll to be granted.

Upon such requisition, the mayor or other person presiding shall, at once, grant such poll, which shall thereupon be opened and held until the hour of five in the afternoon of the same day.

Temporary absence of mayor, &c., during voting.

The person presiding may absent himself during the voting, provided he be represented by a member of the council.

How electors to vote.

86. Each elector shall present himself in his turn and give his vote by "Yea" or "Nay;" the word "Yea" meaning that he approves of the by-law, and the word "Nay" that he disapproves of it.

Entry in poll-book.

The name of the elector and the vote given by him shall be entered in a special book kept by the city clerk for the purpose.

Right to vote.

87. No one shall be allowed to vote on such by-law, unless his name be inscribed, on the last list of municipal electors in force, as a municipal elector and real estate owner or proprietor, or unless he has paid the municipal and school dues payable by him, at least eight days before the voting.

Counting of votes.

88. At the close of the poll, the mayor or person presiding at the poll shall count the "Yeas" and "Nays," and, at the first session after the polling, he shall submit to the council the result of the voting with a statement whether the majority of the electors in number and in value of the taxable real estate approve or disapprove of such by-law; the decision of the majority in number shall, however, predominate; provided, always, that such majority in number shall represent at least one third of the value of the property.

Report to council.

Examination of poll-books.

89. If the council wishes to examine the poll-books and the assessment roll, it shall have the right to do so.

Casting vote of mayor.

90. When the votes are equally divided, the mayor, whether he has or has not presided at the meeting or at the voting, shall, inasmuch as he represents the whole city, alone have the right to give his casting vote during the twenty-four hours following the closing of the poll.

Council to decide in certain event.

If he does not vote or is absent from the city, the council shall decide the question by a resolution passed at a regular or special session.

91. The poll-books, as well as the statement and certificate produced, shall be deposited in the archives of the council. Deposit of poll-books, &c.

POWER TO PASS CERTAIN BY-LAWS AND TO LEVY DUES.

GENERAL POWERS.

92. The council has power to make and put into force such by-laws and ordinances as it may deem necessary or useful for the internal government of the city, and, amongst other things, for the following objects :

1. For improving the locality ; Improvements.
2. For supplying the city and neighbourhood with water ; Water.
- or improving a system of water-works already in existence ;
3. For lighting the city and neighbourhood with gas, electricity or otherwise ; Lighting.
4. For the maintenance of peace and good order, and for keeping clean and in good order and draining the streets and public squares and vacant or occupied lots ; Peace and good order. Cleanliness of streets.
5. For the prevention or suppression of all public or other nuisances ; Nuisances.
6. For the preservation of the public health ; Public health.
7. For the purchasing or leasing of moveable or immovable property for the use of the city, and for selling or disposing of the same ; Purchasing, &c., of property.
8. For the construction or repair of any building which may be required by the city in the exercise of its rights, powers and attributions ; Repairing buildings.
9. For granting the free use of any such building to any person or manufacturer, as the council may deem advantageous to the city ; Use of public buildings.
10. For everything respecting the internal economy and government of the city. General good government.

The council shall also have the right to amend, modify, repeal or replace, in whole or in part, the said by-laws and ordinances, as well as those made by the municipal councils which have had the management of the internal government of the city. Right to amend, &c., all by-laws.

MISCELLANEOUS BY-LAWS.

93. The council has also power to make, amend, modify, repeal or replace, in whole or in part, by-laws respecting itself, its officers, or the municipality upon each of the subjects mentioned in the present act. Power to make certain by-laws.

GOVERNMENT OF THE COUNCIL AND OF ITS OFFICERS.

94. The council may, by by-law, regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees ; Good order during sittings, &c.

Date thereof.	Determine the date of the ordinary sessions of the council and the hour at which it may sit.
Duties of officers.	Define the duties of the officers of the council which are not determined by this act.
Appointments by council of: City clerk,	95. The city council may, from time to time, as it may deem expedient, appoint : A qualified person, who shall not be a member of the council, who shall be and be called "The clerk of the city of Hull" ;
City treasurer.	Another qualified person, who shall not be a member of the council, who shall be and be known as "The treasurer of the city of Hull" ;
Powers of council respecting security.	The council may prescribe and regulate the duties of each of the said officers, and may, at pleasure, remove and replace them, exact from each of such officers such security as it may deem sufficient for the due execution of their duties, and grant and allow them such salary, aid, or other compensation for their services as it may deem proper.
Appointment of assistant clerk and assistant-treasurer.	96. The council may also, when it deems it expedient, appoint an assistant-clerk and treasurer, who shall perform the duties of the said clerk and treasurer in the event of the absence or illness of the latter, and who shall be subject to the same penalties and obligations.
Oath of office of city clerk and before whom to be taken.	97. The city clerk shall take oath, before the mayor or a justice of the peace, to faithfully perform the duties of his office, and all his reports and certificates may be made under such oath of office.
All other oaths before whom taken.	All oaths required by any provision of this act, and not otherwise provided for, may be taken before the city clerk.
Duties of clerk.	98. The city clerk shall attend all sittings of the council and insert all the acts and proceedings of the said council in a register kept for that purpose, and which shall be called "The minute book of the proceedings of the council of the city of Hull", and he shall allow all interested parties to have access thereto at reasonable hours.
Minute book.	
Clerk custodian of all books, &c.	99. The city clerk shall have the custody of all books, registers, valuation and collection rolls, reports, <i>procès-verbaux</i> , apportionments, plans, maps, archives, documents and papers belonging to the city council.
Copies and extracts.	Every copy of, or extract from any such book, register, valuation or collection roll, report, <i>procès-verbal</i> , apportionment, plan, map, archives, document and paper, certified by such city clerk, shall be authentic.

100. The city clerk shall deliver to any person applying for the same, on payment of the fees determined by the council, a copy of any document in his possession or in his custody, or in the archives of his office. Copies to be delivered on payment of fees.

Every copy, by him duly certified to be true, shall be *prima facie* evidence of its contents, and he shall allow all interested parties to examine such documents at reasonable hours. Effect of certified copies.

101. The city treasurer shall take oath, before the mayor or a justice of the peace, to faithfully perform the duties of his office, and his reports and certificates may be made under such oath of office. Oath of city treasurer and before whom taken.

The city treasurer shall be the sole collector and depositary of all sums and impositions whatsoever, payable and belonging to the council, with the exception, however, of the taxes, impositions, rates, or other sums whatsoever, from the water-works of the city of Hull, which shall not belong to his department and of which he shall not be the collector and depositary. Duties of city treasurer.

102. The treasurer shall make no payment out of the revenues or funds of the city, otherwise than upon an order of the council, which shall be communicated to him by the city clerk; and the production, by the treasurer, of such order duly acquitted, shall be *prima facie* evidence that the amount therein mentioned has been paid. How payments are made.

103. The treasurer shall keep books of account in due and proper form, in which he shall enter by order of date, every item of receipt and expenditure, mentioning also the persons who have paid such moneys into his hands, or who have received some payment from him; and he shall keep all the vouchers for expenses in his office. Books of account, &c.

The treasurer's books and the said vouchers shall, at all reasonable hours of the day, be open to the inspection both of the council and of each of its members and municipal officers appointed by it, as of every rate-payer of the city. Open to inspection.

104. The treasurer shall prepare a statement of account, with the vouchers and papers in support thereof, for the year ending the thirty-first of December of each year, to submit the same to the examination of the auditors, in the manner prescribed by this act. Annual statement of account.

105. The treasurer or any other person who shall have filled this office may be sued by the corporation of the city before a competent court to render account. Suit against treasurer by city.

Upon such suit, he may be condemned to pay damages and interest for having neglected to account, and, if he Judgment against treasurer.

account, he shall be condemned to pay the sum which he shall have been found or declared to owe, and, further, all other sums with which he should have debited himself in his receipts or for which the court may consider he should be accountable.

Contrainte.

Each such condemnation shall carry coercive imprisonment against the treasurer according to the laws in force in such cases, if such imprisonment be asked for by the action of account.

Appointment of water-works' collector.

106. The city council may also, from time to time, as it may deem expedient, appoint a proper person who shall not be a member of the council, who shall be and be known as the "water-works' collector."

Oath of office and before whom taken.

He shall take oath before entering into office, before the mayor or a justice of the peace, to faithfully perform the duties of his office, and all his reports and certificates may be made under such oath of office.

His duties, &c.

107. The water-works collector shall be the sole collector and depository of all taxes, contributions, rates or sums whatsoever derived from the water-works of the city and payable and belonging to the council.

How payments are made by him.

108. The water-works collector shall make no payment out of the funds which he shall have collected, and of which he shall be the depository, otherwise than upon an order of the council, which order shall be communicated to him by the city clerk or upon a written order signed by the mayor; and the production by the water-works collector of such order shall be *prima facie* evidence that the amount therein mentioned has been paid.

Books of account.

109. The water-works collector shall keep books of account in due and proper form, in which he shall enter, by order of date, each item of receipts and expenditure, also mentioning the persons who shall have paid money into his hands or who shall have received some payment from him, and he shall keep in his office all vouchers for expenditure.

Certain sections apply to collector.

110. All the provisions hereinabove relating or applying to the city treasurer as to the inspection of his books, the annual statement he is to prepare to be submitted to the auditors, actions of account, damages, interest and coercive imprisonment, shall relate and apply to the water-works collector.

PUBLIC SAFETY.

Public safety, &c.

111. The council may, by by-law, protect the lives and property of the inhabitants of the city; and, for the better

prevention of danger from fire, regulate the construction and dimensions of chimneys and their height above the roofs, or even in certain cases above the surrounding houses and buildings; and compel the proprietors or occupants to cover them with a screen; and declare by whom the cost of the raising of such chimneys shall be paid, and within what delay such chimneys shall be raised or repaired.

112. Provide for and regulate the inspection of houses and buildings in the city, both of those already built and of those being built, and appoint a building inspector and define and determine his duties.

Inspection of buildings.

113. Prevent any baker, potter, blacksmith, brewer, manufacturer of pot-ashes or pearl-ashes, or other manufacturer or person from building, or having any oven or furnace, unless such oven or furnace communicates with and opens into a chimney of stone or brick, rising at least three feet higher than the top of the building in which, or in connection with which such oven or furnace is placed.

Prevent construction of ovens, &c., except under certain conditions.

114. Compel the proprietors or occupants of houses or other buildings, to have ladders from the eaves to the ridge of the roof.

Fire-buckets, ladders.

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

Lights in sheds, &c.

116. Compel the owners or occupants of houses to have or permit their chimney to be swept; regulate the manner and period in which such chimneys shall be swept; name the sweeps to be employed, and fix the amount payable to the sweeps and the price for the licence to be granted to the sweeps; impose a fine on all persons whose chimneys have caught fire after they have refused to allow them to be swept.

Sweeping of chimneys.

Fine if not swept.

Whenever a chimney, which shall have so taken fire as aforesaid, shall be common to several houses, or to several households in the same house, the aforesaid fine may be recovered wholly from each owner, tenant or occupant of such house or divided between them at discretion.

In event of fire.

117. Regulate the manner in which quick lime or ashes shall be kept or deposited.

Quick lime.

118. Prohibit, regulate or authorize the construction of fire-proof buildings for the reception and storage of powder,

Storage of oils.

oils, petroleum and other inflammable fluids, liquids or substances ; establish a tax upon persons who store such articles.

Fire-works. **119.** Prevent all persons from setting off fire-works or crackers, or from discharging fire-arms, or lighting fire in the open air, on the high road or in the neighbourhood of any building, grove or inclosure.

Demolishing ruinous buildings, &c. **120.** Cause to be demolished and removed all walls, chimneys or buildings, in ruins or likely to fall ; and determine in what time, by what means and at whose expense such demolition or removal shall be effected.

Wooden buildings. **121.** Prevent the erection of wooden buildings or fences in the city, or in any specified part thereof, and determine in certain cases the nature of the materials to be used for making roofs.

Owners of manufactories. **122.** Take all necessary means to compel owners of manufactories and workshops of all kinds to consume the smoke from such manufactories or workshops, whenever such smoke is injurious to the health of the rate-payers or to the general interests of the city or to the health of one or more individuals.

Unwholesome odours from manufactories. **123.** In the interest of public health and also of the health of private individuals, prevent unwholesome odours from such manufactories or workshops.

Removal of snow and ice. **124.** Compel every proprietor or occupant of a house or of other building erected on the public highway to remove snow or ice from the roof of such house or building.

Steam-engines, &c. **125.** Determine the place for the erection and regulate the erection and use in the city of all steam-engines and machinery, or other factories whatsoever liable to vitiate the air and incommode the neighbourhood by smoke or smell, or of all shambles and establishments in which work is done or process carried on which endanger or are liable to endanger public health or safety, of which the council shall be the judge ; and permit the erection and use thereof under such restrictions and conditions as the council may deem necessary ; provide for the inspection of steam-engines and of all factories such as those above mentioned, and impose and levy a fee for that purpose on the owners of such steam-engines and factories.

Protection of citizens in streets. **126.** Take all possible means to protect the citizens in the streets and public places, at railway stations and passenger steamboat wharves.

For that purpose, the council may compel all railway companies to make, construct and maintain at all hours of the day or night, such gates, fences or other works as may be deemed necessary for the protection of the citizens, vehicles and animals passing through such streets or public places, and all such companies or their agents or employees shall be liable to such penalty as the council may impose.

Precautions to
be taken by
railways.

127. Prevent the obstruction of the streets by railway companies, or by cars, or trains of cars, locomotives or other engines; and impose, either on the servants of the said railway company or on the company itself, a fine for each infringement of the by-laws passed for that purpose.

Obstruction
of streets by
cars.

128. Prevent thefts and depreinations at fires in the city; and punish any person who resists, opposes or ill-treats any member or officer of the council while in the execution of the duty assigned to him by the council.

Thefts at fires.

129. Regulate the conduct of all persons present at any fire in the city.

Conduct of
persons at
fires.

130. Establish and maintain companies of firemen or sappers, determine the duties of the members of such companies, and impose penalties upon such of their members as fail in their duties.

Companies of
firemen.

131. Provide for the purchase of fire-engines or apparatus destined for the same purpose; and generally adopt measures best calculated to prevent accidents through fire and to avert its progress.

Fire-engines.

132. Hold, authorize or cause to be held after each fire in the city, an enquiry into the cause and origin of such fire.

Enquiries in
cases of fire.

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

Summoning
and examina-
tion of wit-
nesses.

133. Authorize such officers, as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, either the inside or the outside of all houses and buildings of any description, within the city, for the purpose of ascertaining whether the by-laws passed by the council, under the authority of the preceding articles are regularly observed; and oblige all proprietors or occupants of houses in the city to admit all officers for the purposes aforesaid.

Examination
of buildings.

PUBLIC HIGHWAYS.

Repairing highways, &c. **134.** Repair, level, sweep, water and keep clean and in good order any street or a determined portion of a street or public square, or remove the snow therefrom at the expense of all the owners or occupants residing on such street or portion of a street.

Fences. **135.** Oblige the proprietors of lands in the city, or their representatives, to fence such lands, and fix the level and height of the fences, as also the nature and kind of the materials to be used in them.

Regulate the manner of constructing fences between neighbors.

Transport of houses through streets. **136.** Prohibit the transport or removal through the streets of the city of any house or building, without a special permit from the council, on payment of such compensation as the council may exact, without prejudice to the damage caused.

Posting of bills, &c. **137.** Regulate and license the posting of bills and placards.

Indecent placards, &c. Prevent the posting up, or the making or writing of indecent or offensive placards, paintings, drawings, words or inscriptions upon houses, walls or fences, or other public or private property, or on any street or public place in the said city, or in any store or any place visible from such street or public place.

Awnings, signs, &c. **138.** Prevent the tearing down or deteriorating of awnings, signs, signboards, show-bills or show-boards, prevent the pulling down or damaging, or the pulling down or deteriorating of printed or written notices lawfully posted up, or the damaging or deteriorating of private or other property by posting thereon printed or other notices.

Removal of awnings, &c. **139.** Authorize the council to cause to be removed or taken away all awnings, signs, or any object serving as such, which project upon the public highway or are suspended or placed so as to be dangerous.

Hand bills. Prohibit the distribution of printed hand bills or circulars at church doors on Sundays.

Ornamental trees. **140.** Oblige the proprietors of land or their representatives to plant, keep and maintain in good order trees in front of their properties; and the council may determine the kind of such trees or cause the same to be planted by a municipal officer or employee at the expense of such proprietors or occupants.

Punish those who tear up or injure any tree.

141. Establish and fix the amount which is to be paid yearly by the persons bound by law to repair the streets and keep them in order. Statute labor tax.

The amount paid for personal tax is a commutation of the work required on the streets, not including the making and maintenance of sidewalks and common drains. Commutation for personal work.

IMPROVEMENT OF PUBLIC STREETS AND SQUARES.

142. The council may, by by-law :

Purchase, open, enclose, alter, embellish, improve and maintain, at the costs and charges of the corporation, streets, squares, parks, or public places, of a nature to conduce to the health and well being of the citizens. Streets and squares.

143. Order the opening of new streets or portions of streets, public squares and the enlargement, continuation, straightening or other alteration of streets or fixed portions of streets or public squares in the city, according to such plans and upon such conditions as it may deem expedient. Opening of new streets and squares, &c.

144. Cause to be prepared a plan of the future location of any street, or part of a street or public road, which it may be necessary to alter, extend or continue, beyond its actual terminal point, upon lands or farms not yet laid out in town-lots, by giving notice thereof, mentioning that such plan is deposited in the office of the corporation for the information of all interested parties. Plan of streets. Notice of deposit of plan.

145. Such notice and deposit of the plan shall relieve the council from the payment of any compensation on account of any buildings which shall be put up, after the date of the notice, upon the lot indicated on the plan as required to be used for locating, extending, opening or improving any public highway. Effect thereof.

The corporation shall, in all cases, be bound, upon being so required by the proprietors, to pay to such proprietors the value of the land upon which one or more streets have been so located. Value of land to be paid to proprietors.

146. Order that any street or fixed portion of a street or public square within the city be thereafter gradually widened to a specific width to be mentioned in the said by-law, and fix and determine the new line thereof; order that the land required for such increased width be acquired or expropriated, from time to time, as the buildings or structures thereon are removed or destroyed, or when and as the said council may, by such by-law, fix, and determine, and order that such improvement shall be made out of the funds of the city, or that the costs thereof shall be assessed, in Widening of streets.

whole or in part, upon the lands or parcels of land belonging to parties interested in or benefited by such improvement.

Purchase of land.

The corporation shall have the right to purchase any land, ground or real property whatsoever within the limits of the city, either by private agreement or amicable arrangement between it and the proprietor or other persons interested, or by expropriating the same.

Common sewers, macadamized roads, &c.

147. Whenever the majority of the proprietors or occupants in a street or part of a street in the city shall, by a petition addressed to the city council, require the making of a common sewer, the macadamizing or planking of, or making any other improvement whatsoever to such street or part of a street, the council may order such improvements to be made, and may regulate the manner of levying and collecting a sufficient assessment, to defray the cost thereof, on the persons who may be interested in such improvement, or on all proprietors of lands opposite to which such improvements may be made.

Assessment therefor.

When any real property shall be situated on two or more streets, or on one or two streets or a public square, the council, in passing such by-law, shall decide what proportion or part of the said real property is benefited by the special improvement made in such street or public square, and shall, in consequence, apportion the special tax or assessment to be levied on the said property to defray the cost of such improvement.

Rebuilding of houses projecting on streets.

148. The council may, by resolution, prevent the rebuilding, in the same place, of a demolished house which projected upon the line of a street or portion of a street or public square.

Level of streets.

149. The council may, by resolution, determine and change the height or level of the streets of the city, provided that if any person suffer damage thereby, he shall receive compensation, to be settled by arbitrators.

Closing of streets, &c.

150. The council may, by by-law, close any street or part of street or public square, and sell the land for the benefit of the municipal treasury.

Streets opened by private parties.

151. No proprietor who opens a street, part of a street, lane, public road or passage through his property, shall close the same without the consent of the council; and such street, part of a street, lane, public road or passage shall become the property of the city, without indemnity therefor from the council.

SIDEWALKS.

152. The city may, by by-law, oblige the proprietors of land situated on any road, street, square or public way, to make and maintain, in front of their properties, sidewalks of wood, stone or other material in the streets or portions of streets of the city. Sidewalks of stone, &c.

153. Determine the manner of making and keeping such sidewalks in order, and even have the same entirely or partially made at the expense of the corporation or of the proprietors or occupants of the land before which they are made. How to be made, &c.

In the latter case, the cost shall be debited to the account of the various proprietors, and such charges shall be considered as municipal dues. Cost thereof.

154. Construct and maintain sidewalks in the city, and, if necessary, levy an assessment therefor upon the interested parties. Sidewalks generally and assessment therefor.

If the council undertakes the construction and repair thereof, it may levy a general assessment for this particular object.

155. Until the council has taken charge of the construction and maintenance of the sidewalks in the city, in whole or in part, it shall regulate and establish by what persons, when and in what manner, of what size and quality and where such sidewalks shall be made, placed or repaired in the streets, parts of streets, or public squares of the city. Regulations as to sidewalks.

In default of such persons making, placing or repairing such sidewalks within the delay specified in a notice to that effect, the council shall have them made, and shall determine and regulate how they shall be made, placed or repaired, or how and from whom the cost of the work and materials shall be recovered. Corporation to make, in default of proprietors, after notice.

156. No person can make a sidewalk before his property without following the directions given by the council. Instructions to be followed.

In default thereof, the council may cause such sidewalk to be uplifted, and remake the same, if it be necessary to avoid any detrimental irregularities. Removal of those made contrary thereto.

157. The council shall regulate and may alter the line, height or level of the city sidewalks, provided that if any person suffer damage thereby he shall receive compensation, to be settled by arbitrators. Alteration of line of sidewalks, &c.

158. The council may compel every proprietor or occupant of lands to remove, entirely or partially, the ice, snow, Ice and snow.

or water, from the sidewalks in front of their property, and the snow, ice and icicles from the roofs, within a specified delay and in the manner indicated by the council.

If there be neglect or refusal, the council may have such work done, within the shortest possible delay, at the expense of those who are obliged to do it.

The cost thereof shall be charged to them and be a municipal due.

Repairing sidewalks and removal of snow and ice by corporation, in default of proprietors, after notice.

159. Whenever any person, obliged, by by-law, to make and keep in order and clean any sidewalk in front of his property in any street or portion of a street, shall fail to perform the required works, it shall be lawful for the council or committee, after three days' notice given to such persons in the case of sidewalks, and three hours' notice in the case of removal of ice, snow or water from the roofs, to have the said works performed under the direction and superintendence of the officer appointed by the council, and to include the amount so expended in the account of taxes and assessments due by the person held to the performance of such works, so that the said amount may be levied and collected, together with any other tax or real estate assessment imposed on the same property; unless, however, the said council should deem it advisable to order the recovery of the sum expended in any particular case by an action at law against the person in default.

Occupants of Government property to make sidewalks, &c.

160. Occupants of lands belonging to the Federal or Provincial Governments, or the proprietors of lands leased to the latter, are bound to make and keep sidewalks in order before the property they occupy, or to pay all taxes or assessments imposed for such work as being personal taxes for such occupants or proprietors.

Height of awnings, &c.

161. Determine the height at which awnings and sign-boards shall be placed; provided, however, that there be a space of at least eight feet between the sidewalk and the lower part of such sign-boards and awnings.

PUBLIC MARKETS.

By-laws for markets.

162. The council may, by by-law, establish, erect, change enlarge, abolish or maintain the public markets that now exist, or those which shall be established in future, and the site thereof.

Erection of market on the square called "Market Square."

163. The council may prevent the erection or maintenance of any market on the square called "Market Square," on which the city hall is built, or any other public square

under the control of the council ; and every person then occupying a stall on such square shall give it up without any remuneration or compensation whatsoever from the corporation.

164. Regulate the letting of stalls and other places in or around such markets. Leasing of stalls, &c.

165. Regulate or prohibit the sale or exposing for sale of any kind of articles or produce or certain articles in particular. Sale of articles.

166. Establish and maintain public scales and collect the revenue thereof. Public scales.

167. Impose duties upon waggons, carts, sleighs, boats, canoes and vehicles of every description, in which articles shall be delivered, sold or exposed for sale upon any public market, in any street, on the wharves, in wood-yards or upon any beach, within the city ; and also regulate the manner in which such articles or vehicles shall be placed for such purpose on the markets. Dues upon waggons, &c.

168. Impose dues upon all vehicles in which articles shall be exposed for sale, or which may take up places in the said markets, and establish the manner in which the said dues shall be levied. Dues upon vehicles.

169. Prevent persons bringing produce of any kinds, wood or materials into the said city, from selling and exposing them elsewhere than on the markets ; and compel all such vendors to pay the dues, tolls, duties and licenses imposed for selling them elsewhere. Goods to be sold on markets. Dues thereon.

170. Restrict and regulate the commerce of hucksters and persons buying articles brought into the city for the purpose of reselling them, and for imposing dues and taxes upon them in the prosecution of their traffic by license or otherwise. Hucksters.

171. Determine in what manner produce and all other articles shall be sold and delivered, whether by quantity, measure or weight ; and compel all persons to observe in such matters the by-laws which the council shall hereafter deem useful to establish. How produce, &c., shall be sold, by weight or otherwise.

172. Impose such rates, dues or charges and licenses upon all persons selling in the streets or roads, on the markets of the corporation or around the same, or on the wharves or beach. Rates on persons selling in streets.

General rules for markets, &c., sale of effects, &c. In a word, regulate what relates to the government of the public markets and the sale of all merchandize, farm produce and other articles of traffic in the city.

Lumber, coal, &c. **173.** Regulate the weighing and measuring of all lumber for building purposes, sawn lumber, fire-wood, coal, salt, grain, lime and hay, brought or sold in the city by strangers or by persons residing therein.

Duties of superintendent of weigh-houses. **174.** Determine and define the duties and powers of all persons employed in superintending public weigh-houses or markets throughout the city, and confer upon such officers the powers of confiscating merchandize, articles and produce in case of fraud as to measure, weight or quality, and determine the manner in which confiscated articles shall be disposed of.

Powers of market clerks. **175.** The market clerks of the city shall have full power and authority to enter into yards and lanes, for the purpose of recovering and collecting the market fees due for cattle, grain, produce, provisions or other articles brought into the city to be sold or delivered.

SALE OF BREAD.

Bakers. **176.** The council may make by-laws concerning the bakers in the said city, and the persons in their service.

Sale of bread, &c., confiscation thereof. **177.** It may regulate the sale, quality and the weight of bread sold or offered for sale in the said city, and provide for the inspecting and weighing of all bread offered for sale, and for the seizure, forfeiture and confiscation of all such bread offered for sale in contravention of the said regulations, or bread that may be unwholesome or too light; and, to this end, it may authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest, health and safety for the attainment of such object or for causing such by-laws to be enforced.

Marks on bread. **178.** It may compel bakers to mark the bread made by them and specify the marks to be put upon such bread.

PUBLIC HEALTH.

Precautions for public health. **179.** The council may, by by-law :

Prescribe the taking of proper measures for securing the inhabitants of the municipality from contagious or pestilential diseases or for diminishing the danger or effects resulting therefrom.

180. Establish one or more boards of health, and appoint health officers, and confer upon such boards all the necessary privileges and authority for the performance of the duties imposed on them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such boards of health may deem necessary for preserving the citizens from any contagious diseases or for diminishing the effects or danger thereof. Board of health.

181. Authorize the visiting and examining by such health officers of any house or lot, or of any premises whatsoever for the purpose of enforcing the observance of all by-laws, rules and regulations concerning public health and cleanliness in the city, and punish all persons obstructing, resisting, hindering or opposing or aiding and abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty. Examining premises.

DITCHES AND WATER-COURSES.

182. Cause to be opened, dug, enlarged, covered and maintained, and have the line altered of any ditch necessary for drainage, or any boundary or division ditch or any water-course situate in the city or beyond the limits thereof, as the council may judge advisable. Opening, &c., of ditches.

Determine the time and manner of making such works, as also the persons of the city by whom or at whose expense the same shall be made. At whose expense.

183. Levy, if the works are to be executed at the joint expense of the parties interested, on the proprietors of the lands situate within the city and drained by the ditch or water-course, the sums required for such works, according to the estimated value of such lands, and regulate the manner of levying the taxes so imposed. Apportioning cost of drains, &c.

184. Impose penalties on any person obstructing, deranging, or suffering the obstruction or derangement of ditches or water-courses, or refusing to make or suffer to be made the works ordered by the inspector under the by-laws upon all public or private lands. Penalties on persons obstructing drains, &c.

185. Carry on, at the expense of the corporation, for a determined or undetermined period, all works on ditches or water-courses. Work on ditches, &c.

186. Raise, by special assessment, sufficient money to make or repair one or more common sewers in any street or portion of a street or section of a street, public square Special assessment for common sewers.

or special section determined by the council, from all the owners of lands situate along the line of such sewers; and determine the manner of collecting the cost thereof.

Recovery of cost of works on water-courses.

187. Order, the recovery of the cost of works on ditches or water-courses; cause all proprietors of lands liable to the payment of the costs to be apportioned, to be designated and assessed; order works to be done for the purpose of utilizing old water-courses as common sewers, and determine the sums to be apportioned among the interested proprietors who make use of such works for draining their lands or as common sewers.

Draining, cleaning, &c.

188. By by-law or resolution, order or regulate the draining, cleaning, altering or repairing of all grounds, yards, cellars, vacant lots, private drains, broken grounds, cesspools and privies, and compel the owners, occupants or lessees of such grounds and yards, or the property on which such cellars, private drains, broken ground, cesspools and privies, to pay the cost of such works if performed by the council in default of their doing so themselves;

By-laws for drains, &c.

Make all such other by-laws as may be deemed necessary for drains and sewers.

CARTERS.

Licenses to carters.

189. Authorize the granting of licenses to carters, owners and drivers of vehicles for public hire in the city; compel such persons to take out an annual license, and determine everything relating to the better government of carters and their vehicles of public hire.

Tariff of fares.

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

Carters to take fares offered.

191. Compel all carters under license, to give their services to any person asking the same at the tariff rates.

Penalty on carters.

192. Punish every carter, proprietor or driver of a public vehicle who shall exact, in any manner whatsoever, a higher fare than that fixed by the tariff.

Granting of licenses :

193. Authorize the granting of licenses to all proprietors or carters or drivers of vehicles other than public vehicles for hire, to wit :

To any carter, &c.

To any carter, proprietor or driver of any vehicle for transporting goods, merchandize, furniture, wood and other

articles, and establish a tariff to that effect, and punish any one who shall cart such articles or effects without such license.

DECENCY AND GOOD MORALS.

194. Regulate, restrict and suppress every kind of Gambling, gambling in the city, and the existence of gambling houses or houses of ill-fame of any kind in the city.

195. Prevent, on Sundays and holidays of obligation, Races on Sunday, &c. races and all other horse or velocipede exercises upon any race course or place whatever within the limits of the city.

196. Regulate, prohibit or restrict all games with cards Games of hazard. or dice or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the city.

197. Punish any fortune-teller or person telling fortune by cards, whether gratuitously or for a consideration. Fortune-tellers, &c.

198. Authorize the arrest on view and punish persons who are found playing cards, dice or other games of hazard in any club, hotel, restaurant, tavern or shop whatsoever in the city. Arrest of gamblers.

199. Suppress and punish vagrants, beggars, prostitutes and disorderly persons. Vagrants.

200. Suppress and close all houses of prostitution or of ill-fame, arrest without a warrant the persons found in such houses, and arrest, on a warrant, and punish the inmates and frequenters thereof. Houses of prostitution.

201. Prohibit circuses, theatres, or other public exhibitions from being held; regulate and permit them to be held on a licence, and upon such conditions as may be deemed fit, and prohibit all spectacles or exhibitions tending to affect public safety or morals, of which the council, or, in its default, the mayor of the city shall be judge. Circuses, &c.

202. Compel the closing of all stores, restaurants or shops and photographers' and barbers' establishments, and also the shops of all persons doing any business whatsoever throughout the whole day on Sundays. Closing of stores, &c., on Sundays.

203. Prevent cock-fights, dog-fights, and every other cruel amusement; and punish any person taking part therein or being present thereat, within the limits of the city. Cock-fights, &c.

Bathing. **204.** Prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares or a cemetery, or regulate the manner of doing so in such places.

Swearing, &c. **205.** Suppress swearing and blaspheming in the streets and public squares of the city or in the neighbourhood.

Disorders of all kinds. **206.** Prevent disorders of all kinds disturbing the public peace, and punish every person doing any manual labour on a Sunday or holy-day.

PUBLIC NUISANCES.

Stables, &c. **207.** Compel the proprietors or occupants of houses to clean their stables, cattle-sheds, pig-sties, sheds, privies, and the yards connected with such buildings ; fix the time and manner in which they shall be drained, and order that they be constantly kept clean.

Groceries, &c. **208.** Oblige the owners or occupants of all stores, groceries, cellars, manufactories, tanneries, drains or other unhealthy and fetid places, to keep them clean and render them wholesome.

Pigs, &c. **209.** Regulate or prohibit the raising and fattening of pigs within the city.

Animals straying in the streets. **210.** Impose a fine on all proprietors of animals found straying in the streets or on the public places of the city.

Stagnant water. **211.** Compel every owner or occupant of land in the city, on which there is stagnant water, to drain or raise such land, in such manner that the neighbours be not incommoded or the public health injuriously affected.

City to drain off such, in certain cases. **212.** If the owner of such land is unknown and has no representative in the town, if he is too poor, or if he refuses or neglects to drain or raise the same, the council may order the drainage or elevation of such land at the expense of the corporation, reserving recourse against the owner, and the amount so expended shall be a privileged tax upon such lot and be levied in the same manner as ordinary taxes.

Noxious deposits. **213.** Prevent the making deposits of, or of leaving within the city, or in or on the rivers Ottawa and Gatineau, within the limits of its jurisdiction, substances or matters from whence issue noxious gases or odours, such as dead bodies, coal oil, superphosphate of lime in course of

preparation, contents of privies, filth from yards or roads and other nuisances, as well as every object on the point of or likely to become unwholesome; and regulate the mode of making such deposits.

Impose a penalty, not exceeding fifty dollars, for every infringement of such by-law. Penalty.

214. Prevent the profanation, within the city, of cemeteries, graves, monuments or vaults in which the dead are interred. Cemeteries, &c.

MAINTENANCE OF THE PEACE—ENFORCING OF THE
BY-LAWS.

215. The council may establish, regulate, arm, lodge, clothe and pay a police force in the city, and determine the duties of the officers and men of such force or constables, for maintaining peace and good order and for observing the municipal by-laws in the city. Police force.

216. All the constables have the necessary powers for the performance of the duties imposed on them within the limits of the city. Powers of constables.

217. Every constable, policeman or police officer who is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or malfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence, before the recorder or before two justices of the peace, a fine not exceeding fifty dollars, and may also be suspended by the council or by the mayor. Penalties upon constables.

218. All constables may arrest, on view and without a warrant, any person they may find breaking the public peace, or lying or loitering, either during the night or day time, in any highway, field, yard or other place, or lodging or sleeping in any barn, outhouse or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, wharves or bridges within the limits of the city, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any Federal or Provincial law, or any by-law of the said city. Powers of police to arrest on view.

219. They may also arrest, on view and without a warrant, any such persons immediately after the commission of the offence, on good and sufficient information being given as to the nature of the offence. Arrest on information without warrant.

Power to enter every inn, hotel, &c.

220. Any constable shall also have power and authority to go into every inn, hotel, and into every shop licensed for the sale of spirituous, vinous or fermented liquors, to ascertain if the laws or the by-laws, regulating such houses, be faithfully observed, and to arrest, on view and without a warrant, all such persons whom they may find in such houses contravening any laws or by-laws.

Power to serve summonses, &c.

221. Constables shall have power and authority to serve all summonses and subpoenas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for examination or for trial, or arrested in virtue of a warrant of arrest, for the violation of any federal or provincial law, or any by-law of the city.

Power to serve special notices.

222. The constables or police officers shall have power and authority to serve all special notices and to publish all public notices, in accordance with the various provisions of this act, and they shall certify to the correctness thereof, under their oath of office, without being obliged to take a special oath to that effect.

Power to arrest when ordered by mayor, &c.

223. Any constable shall, if he is so required by the mayor or by another member of the council, or by the council itself, apprehend and arrest, without warrant, on view, all persons found contravening the provisions of any by-laws of the council punishable by fine, if it be so ordered by the by-law, and bring them before the recorder of the city or, in his absence, or inability to act, any justice of the peace, to be dealt with according to law.

Power of members of council to order arrest of drunken persons.

224. It shall be lawful for any one of the members of the said city council, individually, to order the immediate apprehension of any drunken, disorderly or riotous person whom he shall find disturbing the public peace within the said city, and to confine him in the common gaol of the district, or other place of confinement, in order that such person may be secured until he can be brought before the recorder, or, in the event of his absence or inability to act, before the mayor or a justice of the peace, to be dealt with according to law.

Arrest of persons refusing to pay carters.

225. Any constable may arrest on view, either by day or night, any one infringing any of the by-laws of the city, by refusing to pay the hire of any licensed carter's vehicle, and bring him immediately before the recorder, or, in the event of his absence or inability to act, before the mayor or before a magistrate, if it be in the day time, or hand over

such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law.

226. Upon an order of the council or the mayor, any constable may inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house or building whatsoever, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting any one. Entry and inspection of buildings by constables.

227. The owners or occupants of such moveables or immoveables are bound to receive and admit such constable, under penalty of a fine not exceeding twenty-five dollars. Penalty for refusing such entry.

228. All the constables shall obey the lawful orders they may receive from the council. Constables to obey orders.

229. Any persons, summarily arrested in virtue of this act, shall be immediately conveyed to the common gaol of the district of Ottawa or to the place of confinement established in the city, there to be safely kept until they may be taken before the recorder, the mayor or one or two justices of the peace, as the case may be; but such persons so arrested may give bail or a sufficient recognizance, to be taken or received by the said recorder, mayor or justice of the peace, as the case may be, for their appearance, and shall appear on the day appointed, before the said recorder, mayor or justices of the peace. Confinement of persons arrested. Discharge on bail.

230. The sheriff and gaoler of the district of Ottawa shall be bound to receive, and safely keep, until duly discharged, according to law, all persons committed to their charge by the said council, or any member or officer thereof, under the authority thereof, or arrested by a policeman or constable. Duty of sheriff and gaoler respecting.

231. The council may, in addition to those already erected, erect new buildings or obtain a suitable place for a lock-up for the temporary confinement of offenders arrested by police-constables; and determine, in the best possible manner, what supervision shall be exercised over the persons so confined, until such time as they are brought before the proper authority to answer the charges and offences for which they were arrested and confined. Lock-up may be built.

232. The council may also pass all by-laws which it may deem expedient respecting the police of the city. By-laws respecting police.

MASTERS AND SERVANTS.

Regulation of masters and servants, &c. **233.** The council may, by by-law, regulate the conduct of apprentices, servants, hired persons, day-labourers, or journeymen, whether they be of age or minors, towards their masters or mistresses, and the conduct of masters and mistresses towards the former.

SALE OF INTOXICATING LIQUORS.

Regulate, &c., sale, &c., of spirituous liquors, &c. **234.** The council may, by by-law, prohibit the sale of spirituous, vinous, alcoholic and intoxicating liquors, or allow the same under such restrictions as it may deem expedient.

Sale of liquors to children, &c. **235.** Prohibit the sale of all intoxicating liquors to children under sixteen, to women, apprentices or servants, and forbid their frequenting taverns, hotels, restaurants, and shops where intoxicating liquors are sold.

Regulation of shop-keepers, &c. **236.** Regulate shop-keepers, inn-keepers and other persons who retail liquors, as the council may deem expedient, in order to prevent drunkenness and disorder by day and by night.

Prohibition of transfer of licences, &c. **237.** Prohibit the transfer of licences and determine under what restrictions and conditions, and in what manner the transfers shall be accepted by the collectors of revenue, by exacting the payment of not less than twenty dollars before the approval of the transfer.

Temperance hotel licences. **238.** The council shall have power to license temperance hotels, on payment of an annual sum of two hundred dollars or more, for each licence.

Certificates for obtaining licences to sell liquors, &c. **239.** After the coming into force of this act, the council shall alone have the right to give certificates for obtaining licences for inns and houses of public entertainment and every other licence for the sale of spirituous liquors within the limits of the city ; and such certificates shall be signed by the mayor or clerk of the city.

SUBSIDIES.

Subsidies for education, &c. **240.** The council may grant subsidies, by all suitable means, to education, hospitals, asylums, sciences and arts.

Assist construction, &c., of roads and bridges. **241.** Assist the construction, repair or maintenance of any road leading to the city, and of any bridge, under the direction of the Federal or Provincial Government, or of the corporation of any other municipality.

212. Aid in the building or repairing or maintenance of any bridges, within the city or its vicinity.

Aid in the building of bridges.

213. The council may annually vote a sufficient sum for the purpose of raising, keeping and maintaining one or more bands of music, on such conditions as it may deem expedient, by an unanimous vote of the council.

Bands of music.

214. The aforesaid subsidies may be granted by giving city debentures bearing interest coupons, or both interest and sinking fund, to such persons or companies, or to the Federal or Provincial Government, by by-law approved by the proprietors as previously provided.

How subsidies may be granted.

215. When the council grants a subsidy in virtue of this act, it may receive hypothecary or other security for the performance of the conditions contained in the by-laws passed to that effect.

Security may be received when subsidies granted.

216. Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest ; provided, always, that the total rate for all purposes shall not exceed one cent and a quarter in the dollar on the taxable property of the city.

Sinking fund provided for.

Limit of taxation.

217. By-laws made in virtue of articles 243, 244, 245 inclusively and 248 shall determine the nature of the aid to be given and the conditions under which it is granted.

Nature of aid and conditions to be set out in certain by-laws.

218. By-laws passed by the council, in virtue of the said sections, remain in force for twelve months after they are finally adopted ; they become null if, during that time, the interested parties do not avail themselves thereof, unless it be otherwise provided in the by-laws themselves.

How long such by-laws remain in force.

219. Every by-law passed by the council, in virtue of articles 243 to 245 inclusively and 248, when the sum granted, lent or to be guaranteed, exceeds the amount of five thousand dollars in capital, shall, before being finally sanctioned by the council, be submitted for the approval of the municipal electors of the city who are real estate owners or occupiers, of the said city, at a general meeting held within thirty days after the by-law is passed by the council.

By-law to be submitted for approval of electors, if granting over certain sum.

250. If, at the expiration of twelve months from the final passing of the by-laws granting subsidies, the interested parties have not availed themselves thereof, and unless it be otherwise provided by such by-laws, they shall be

Proviso, if interested parties do not avail themselves of by-law within certain time.

null, as regards such interested parties, but the council may, upon a three-fourths vote of the members assembled at a special meeting, give the benefit of the same to one or more other persons or companies already founded or projected, and extend to the latter the effect of the by-law for another period not exceeding six months.

Recovery of loan or subsidy in certain cases.

251. In cases where those who have received any subsidy from the city or obtained an exemption from taxes do not comply or cease to comply with the conditions and guarantees stipulated by the by-law, or by the resolution, the council may recover the amount of the loan or subsidy so granted or the value thereof, by privilege upon the moveables and immoveables of the manufacturers or companies, as in the case of a municipal tax and with the same priority, unless it specially renounces to such privilege, and, in the case of exemption from taxation, discontinue such exemption.

INDEMNITIES, RELIEFS AND REWARDS.

Indemnity to persons for property damaged by rioters.

252. The council may indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled within the limits of the city.

Tax for such purpose.

The council is authorized to levy, over and above any other tax, on the taxable property of the city, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or persons riotously assembled ; provided, always, that the total rate for all purposes shall not exceed one cent and a quarter in the dollar on the taxable property of the city.

Recourse against corporation in default of payment.

In default of the council paying such damages within six months, according to the award of arbitrators, the corporation may be sued before any competent court for the damages so occasioned.

Relief to certain persons.

253. The council may relieve any person who has received any wound or contracted any sickness or disease while working to stop a fire.

Rewards.

254. Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from danger of drowning, or exposed to a serious accident.

Provision for families of certain persons.

255. Provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save the life of a fellow creature.

256. Contribute to the maintenance or support of poor persons residing in the city, who, from infirmity, age, or other causes, are unable to earn their own livelihood, and exempt them from the payment of taxes and water-rates.

257. Establish and maintain poor-houses, houses of refuge, or other establishments for the support and relief of the destitute ; and aid charitable and educational institutions established in the city.

258. Offer and give rewards for the discovery and arrest of persons who have committed criminal offences.

Rewards for discovery of crime.

259. Grant passages on railways or steamboats to take to their homes any poor, infirm or sick persons who have no means of paying their fare.

Granting passages to poor persons.

MISCELLANEOUS.

260. The council may, by by-law :

Prevent horses being driven at an immoderate pace in the streets or passing on the sidewalks, and may regulate the manner in which horses shall be left standing, whether tied or free, in the streets.

Council may :
Prevent fast driving.

261. Punish every person who, during the winter season, shall drive any horse or beast of burden, harnessed to any vehicle, through the streets of the city, without bells being attached to such horse or its harness for the purpose of warning foot-passengers, by a fine of at least five dollars, with the costs of suit, and, in default of immediate payment of the fine and costs, by an imprisonment not exceeding fifteen days.

Require bells, &c., in winter on harness.

262. Prevent all riots and noisy and disorderly meetings, and punish the authors thereof.

Prevent riots.

263. Allow public meetings to be held in the public room of the city hall on such conditions as it may deem expedient. The mayor has also similar powers.

Allow holding of public meetings.

264. Regulate and determine the manner in which the streets shall be kept during the winter season by the council, or by those persons who are obliged to do so.

Regulate, &c., keeping of streets in winter.

265. Abolish, suspend or alter the market-tolls and fees and reduce them in certain cases.

Abolish, &c., market-tolls.

266. Prevent burials within the limits of the city, or fix the places where they may take place ; compel the

Prevent burials, &c., in city.

disinterment of bodies buried in contravention of this provision, except the bodies of priests or nuns or Protestant clergymen interred in the churches of the city.

Prevent cruelty to animals.

267. Prevent horses or other animals from being cruelly treated.

Authorize confiscation of articles.

268. Authorize the confiscation, for the benefit of the poor of the city, of any article for sale or sold, or delivered in contravention of the by-laws.

Cause houses, &c., to be numbered, &c.

269. Cause the houses and lots of the town to be numbered; compel every owner, tenant or occupant to allow numbers to be affixed on their houses or lots, as also the name of the street or square.

Determine where ice may be taken.

270. Determine, in the interest of public health, at what place ice may be taken.

Regulate, &c., custody of animals.

271. Restrain and regulate the custody and abandonment of animals of all kinds, authorize the detention thereof in public pounds, and provide for the sale thereof for the penalty incurred, and the costs of prosecution and detention thereof.

Establish public pounds.

272. Establish public pounds for the safe-keeping of animals and poultry found astray or doing damage on the public ways and bridges or on the lands of others than the owners of such animals and poultry; determine the fees to be paid to such keepers of such pounds, the damages payable by the owners of such impounded animals and poultry, and the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties, fines and expenses shall not have been paid according to law or the by-laws.

Establish fees for pounds.

273. Establish a tariff of fees and dues to be paid for the public pounds now or hereafter to be established in the city.

Regulate, &c., dogs, &c.

274. Regulate and prevent the allowing of dogs to go at large in the city; compel their owners to place a collar and medal on them; authorize the impounding and the destruction of all dogs wandering at large, or having no collar and medal, and the destruction of dogs whose owners reside in the city and have not paid the tax thereon, or of dogs kept in contravention of the by-laws of the council, or punish any person who keeps a vicious dog which bites or attacks people or disturbs the citizens.

275. Impose a fine upon owners of bitches in season, which wander or run about the streets or public places, or order their immediate destruction. Impose fine on owners of bitches, &c.

276. Whenever the council shall have passed a law directing any work to be done within the city, and any proprietor shall be unable, from absence, poverty or any other cause, to perform the said work, cause the work, which such proprietor may be bound under such by-laws to perform, to be done, and in all cases the sum so expended by the council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said council, with interest at the rate of six per cent. Cause works to be done and charge cost to proprietors.

277. Prohibit prize-fighting, boxing matches or sparring exhibitions within the city limits. Prohibit prize-fighting, &c.

278. Prohibit games of billiards, pool, mississippi, pigeon-hole, ten pins, bagatelle and other like games, on Sunday, in any establishment. Prohibit games of billiards, &c.

279. Prohibit the disturbance of any congregation or assembly for religious worship. Prohibit disturbance of public worship.

280. Compel the superintendent of any cemetery in the city, or any other civil officer or corporation having the control thereof, to make and deliver to the corporation, regular returns of all persons buried in such cemetery; regulate the manner and form in which such returns may be made; exact that, in all cases of death occurring in the city, the attending physician, or (in the absence of a physician) a member or friend of the family, shall, within such time and under such penalty as the council may determine, deliver a certificate, signed by such physician, member or friend of the family, stating the name, surname, age, birth-place, date, place of death, and the nature of the disease; and also provide such other means of obtaining correct and reliable statements or information in reference to mortality and its causes, as the council may deem necessary. Require returns of burials.

281. Regulate the sale, quality and inspection of milk, and authorize its seizure and confiscation, with the same powers to the police or health officers as are conferred in the preceding sections. Regulate sale of milk.

282. Regulate the sale, by weight or otherwise, of all articles sold or offered for sale or delivered in the city. Regulate sale, &c., of articles.

- Regulate, &c.,
second hand
stores. **283.** Regulate stores and shops for the sale or purchase of second hand goods or merchandize, and authorize and regulate the granting of licenses to persons keeping such stores or shops.
- Establish
private but-
chers' stalls,
&c. **284.** Establish and regulate the opening and closing of private butchers' stalls; and restrain the sale of fresh meats, vegetables, fish and other articles usually sold on markets.
- Regulate rent-
ing of stalls,
&c. **285.** Regulate the renting of the stalls and the duties to be paid by persons selling, or exposing for sale on the markets, meat, vegetables, fruits, or any other thing whatever, and also the weighing of meat and any other articles sold or offered for sale on the markets; regulate the sale of horses, and impose a tax on horses sold or exposed for sale by horse-dealers in the city, and fix the rates to be paid therefor.
- Regulate
duties of meat
inspectors. **286.** Regulate the duties, powers and attributions of the inspectors of meat, and authorize the seizure, confiscation and disposal of any meat, or other article of food found to be unwholesome.
- Establish
public abat-
toirs. **287.** Establish, regulate and administer public abattoirs, either within or beyond the city limits, and prohibit private slaughter-houses in the city.
- Regulate
manner of
driving horn-
ed cattle
through city. **288.** Regulate the manner and route in and by which horned cattle shall be driven in the city, the road they are to follow and the destination of cattle intended for slaughter.
- Regulate
sewerage and
taxation for
that purpose. **289.** Regulate the sewerage of the city; assess proprietors or occupants of immoveable property to defray the cost of making any common sewer in any street, in which such proprietors or occupants have property, including connections between such common sewer and the private drains of such proprietors or occupants; and regulate the mode in which such assessment shall be made, either by frontage of said property or otherwise, and the manner of levying such assessment, so that the costs of the construction and maintenance of all sewers shall be borne and defrayed by a rate levied on the properties benefiting.
- Regulate
private
drains. **290.** Regulate the manner and time when private drains may be made, as also the manner and material with which the same may be constructed, the corporation making the common sewer. Proprietors or occupants shall build and establish the connections at their own expense, under the supervision of an officer appointed by the corporation.

291. Sanction and permit, under such conditions and restrictions as the council may impose, the laying of the track of any street railway; regulate the number of passengers to be carried in each car or vehicle used by such street railway; regulate the use of locomotive engines, and of steam, or any other motive power on any street railway in the city; prescribe and regulate the speed of the cars; and impose penalties, not to exceed two hundred dollars, upon the company managing any such railway or any of their servants, for each and every violation of any such by-law. Sanction railway tracks in city.

292. Compel all persons who desire to store lumber, timber, firewood, laths or shingles, in the city, or to work, run or use any saw and planing mill, carpenter or joiner's shop, or other building or establishment, wherein wood or other combustible materials are kept, to obtain the previous sanction of the council so to do; the council may also determine the place where such wood-yards and mills, workshops or other buildings, or establishments, may be located and used. Require sanction of council previous to storing lumber, &c.

293. Select one or more places where carters with carriages and trucks for hire shall stand. Select cab-stands.

294. Prevent any person, residing beyond the city limits, from carrying on his trade or business within the city, without being authorized thereto, and taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business; provided that there be no unjust discrimination against such person. Licenses for trading, &c.

295. Prevent all persons residing outside of the city limits from, either personally or through his employees, soliciting or taking orders for the delivery of goods, or offering such goods for sale without having previously obtained from the corporation the license required for that kind of business. Prohibit selling goods on orders, &c., without license.

296. Regulate the lighting of the city by gas, electricity or otherwise; protect the lamps and lamp posts and alarm boxes in the streets and public squares. Lighting of city.

297. The council is authorized to make all by-laws in the interest of the city not contrary to law. Power to make other by-laws.

WATER-WORKS.

298. The council may acquire, maintain, improve, increase, enlarge, alter or remove the present water-works. Maintenance, &c., of water-works.

or a portion thereof, with its appurtenances and accessories within the limits of the city, and make use of them in any other manner whatsoever.

Existing by-laws respecting.

It may maintain existing by-laws, amend them and make others for the maintenance and administration of the water-works.

Buildings, &c.

299. The council may make, construct, lay and maintain, within its limits, all buildings, machinery, reservoirs, basins, pipes and other works necessary to conduct water throughout the city and parts adjacent, as aforesaid, as well as in the Ottawa and Gatineau rivers and the streams in the vicinity.

Acquisition of land.

300. For the purposes of the water-works, the council may acquire and hold any land, servitude and usufruct in the city; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works, either to buildings or lands, pass over and lay its pipes or other apparatus in the various streams running through the city, and take all steps necessary to protect all apparatus or works which may be laid or done.

Powers respecting obstructions, &c.

301. The council may prevent all persons from throwing filth, placing obstructions or committing nuisances, within a radius of five hundred feet from the place whence the water of the water-works is drawn, or from any other place whence it may hereafter be drawn.

Council may let out works.

302. The council may enter into contract with any person for the construction of the said water-works, in whole or in part; superintend by its officers the works when completed; enter, during the day time, upon the lands of private individuals or others, for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, and materials, on paying a reasonable compensation for such materials, and by conforming, in all things, with the provisions hereinafter made.

Expropriation.

303. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immovable property for the water-works, or the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner herein provided with respect to expropriations generally.

City may enter upon land.

304. The city may enter upon any land or property, street or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

305. If any person prevents the city, or any person in its employ, from doing any of the said works, or from exercising any of the powers and rights hereinbefore granted, or embarrasses, or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of, the water-works, or the apparatus or accessories thereunto belonging, or any portion thereof, such person shall be liable to a fine not exceeding fifty dollars, and, in default of payment of the fine and the costs, to an imprisonment not exceeding two calendar months, and, in addition, to the damages that the city may suffer from any such act; such damages, with costs, may be recovered by complaint or suit before the ordinary courts having jurisdiction in the matter.

Interfering with officers and damaging works.

306. Whoever shall apply, or cause to be applied, any pipe or conduit to communicate with any pipe or conduit belonging to the city, or, whoever shall obtain or make use of the waters belonging to the said city, without its consent, shall incur and pay to the corporation the sum of one hundred dollars, with also another sum of four dollars, for each day during which such pipe shall be so applied; which said sums, with the costs of suit incurred in that respect, may be recovered by civil action before any court of justice having jurisdiction to that amount.

Unlawfully using water.

307. The council may make by-laws to prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it, and, for such purpose, impose such fine as it may deem expedient, and an imprisonment not exceeding thirty days when such fine and costs are not immediately paid.

By-laws to prevent waste of water, &c.

Fine, &c.

308. The council may prescribe the size, quality, strength of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city, and also their location; provide for hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein, and fix the amount of the annual rent to be paid therefor; finally determine the conditions on which water will be supplied in certain cases or generally, or agree upon charges or special supplies for a limited time and for a fixed purpose.

Size and quality of pipes, &c.

309. The council may, by by-law, establish a tariff for the price of the water, and the time and mode of payment therefor.

Tariff of rates

Frauds, &c.

310. The council may make by-laws to prevent the pollution of the water in the aqueduct, reservoirs or streams or the rivers near the city and the practising of frauds upon the city, with regard to the supply of water from the water-works, and regulate all other matters having reference to the water-works and to the proper working thereof.

Notice when city is ready to furnish water.

311. As soon as the corporation is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given ; and, after such notice, all persons liable to the payment of water-rates in such part of the city, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

Proviso.

It is hower understood that no property within the limits of the city shall be taxed nor affected, nor be in any wise responsible for the payment of any debentures or any other debts contracted by the corporation of the city, both for the past and for the future, in connection with the construction of the water-works, its repairs and extension, unless the pipes of the said water-works be laid to a distance of three hundred and fifty yards from the said properties.

Introduction of water into houses and description of pipes.

312. The introduction of the water into houses or other buildings is performed by and at the expense of the city ; but the distribution of the water through such houses or buildings, after being thus introduced into them, is made by and at the expense of the proprietors or occupants.

If buildings at a distance from the line of street.

313. In all cases where such house or building stands at a distance from the line of the street, the city lays the distribution pipe to the line of the street, and has the right to exact payment of the water-rates from the proprietor, although the latter refuses or neglects to connect such pipe with such house or building.

Owner, &c., responsible for the water-rate.

314. The owner or occupant of such house shall be responsible for the water-rate, without the city being obliged to consider the stipulations which may be contained in a lease or leases affecting such property.

Water supply may be cut off.

315. If any person disturbs or damages any water-pipe, valve, cock, cistern, water-closet, bath, or other apparatus, or causes them to be so used or contrived so that the water supplied from the water-works be wasted, or unduly consumed, or if he refuses or neglects to pay the rates lawfully imposed for the water supplied to him, immediately after the same are due and payable, the city may, in such cases, cut off the water and cease the supply, so long as the cause of complaint is not removed ; which shall not

prevent the rates from being incurred as before, or exempt such defaulter from the payment of such rates as if the water had continued to be supplied to him.

316. The city may make a special agreement with consumers for the supply of water, in special cases, where it is considered that there is a greater consumption of water than in ordinary cases. Special agreement in certain cases.

317. In all cases of dwelling-houses or other buildings being tenanted by two or more tenants, subtenants or families, the city may require from the proprietor that a separate and distinct service pipe be by him provided for each such tenant, subtenant or family, occupying separate apartments, or tenements, so that the city may, at all times, have control over the supply of water furnished to each such tenant, subtenant or family; and if the proprietor, after being notified to that effect by the city clerk or by the collector of water-rates, refuses or neglects to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, under this section, he shall be liable to the payment of the rates imposed for the water so supplied to the said apartments as if a service pipe had been put in for each of such apartments or tenements. Liability of proprietor in certain cases.

318. The provisions of the preceding article apply to any proprietor of a row of dwelling-houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him as aforesaid. Application of preceding article to row of dwelling-houses.

It shall be lawful for the corporation, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, subtenant or family. Power of corporation in each such case.

319. The council may, by by-law, fix a special compensation for supplying water which is payable by every proprietor of an unoccupied house, lot or part of a lot. Special compensation for water.

320. The city shall not be bound to guarantee the quantity of water to be supplied, and no one can refuse to pay the annual tax or compensation for the use of the water, on the ground of the insufficiency of the supply thereof or the want of water owing to cold or other causes, providing the default or insufficiency of the supply of water does not last more than thirty hours. Quantity of water supply not to be guaranteed.

321. If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rates from the tenant, then such tenant may withhold If proprietor refuses to make distribution.

from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease.

Prescription
of suit for
damages, &c.

322. No action or suit for damages in connection with the water-works shall be instituted against the city, unless the same be instituted within the six months following the act complained of.

LIGHTING.

Lighting of
the city.

323 The city may provide for the lighting thereof by means of coal oil, gas, electricity or otherwise.

Proprietors to
allow placing
of gas fixtures
on their
houses.

324. The council may compel the proprietors of real estate in the city to allow the necessary work for the purpose to be done on their respective properties, and to allow all the pipes, lamps and apparatus or posts to be placed upon their houses; provided that, in such case, the expense of the materials and work shall be borne by the city, that the solidity of the buildings be in nowise affected, that all damages which may be caused be paid by the council, and that every proprietor be indemnified by the city, if there be occasion therefor, or by the private individuals or company performing such work.

VALUATION AND ASSESSMENT ROLL.

Appointment
of assessors.

325. The council shall, in the month of March, in each year, appoint three assessors, who shall, within forty days from the first of May following, and in the manner prescribed by the council, value the taxable properties in the city according to their actual value.

Assessment
roll.

They shall make a roll in which they shall insert all information of public interest required by the council.

Roll when to
be made.

This valuation shall be made every year.

Oath of the
assessors.

326. Every person, so appointed assessor, shall, before entering into office, take the following oath before the mayor or before a justice of the peace or before the city clerk of the city :

“ I (*name of the assessor*), having been appointed one of the assessors of the city of Hull, do solemnly swear that I will faithfully and diligently perform the duties of my office, without favour and to the best of my judgment and ability. So help me God.”

Assessors to
be proprietors,
&c.

327. The assessors appointed by the city, must be proprietors of real estate in the city, of the value of at least four hundred dollars, over and above all debts upon such real estate.

328. The assessors, in assessing the real estate in the city, shall take, as a basis for their valuation, the actual value of the property. Nevertheless, in determining the value to be given to lands used for agricultural purposes and situated within the city limits, regard must be had to the value of such lands and the buildings thereon for agricultural purposes only; and provided, further, that in the case of those properties that are situated outside of the toll-gates, a deduction of one third shall be made in the amount of taxes on such properties until such time as the city council shall provide a direct road to the city, which can be used in lieu of the toll road. Front street is not to be considered as a direct road for proprietors on the Gati-neau road.

Basis for valuation of assessors.

329. The actual value of taxable real estate in the city shall comprise :

In what actual value shall consist.

1. The value of the real estate itself;
- 2 The value of the buildings, workshops and machinery thereon erected; and
3. That of all the improvements which have been made to it.

330. Every proprietor, tenant or occupant of any taxable property or object shall be obliged to answer, correctly, all questions put to him by the assessor upon this subject, and to give all necessary and possible information.

Persons to answer truthfully to assessors.

In the case where the said proprietor, tenant or occupant should refuse to answer the questions put to him, or if the answers that he has given, be false or incorrect, he shall be liable to a fine of not more than twenty-five dollars and not less than eight dollars, and, in default of payment, to imprisonment for not more than one calendar month.

Penalty for not so doing.

331. The assessors shall lodge the valuation and assessment roll in the office of the council, immediately after its completion; and public notice of such deposit shall be given within the two days following.

Deposit of assessment roll.

Notice.

The roll shall remain open to public examination for thirty days.

Open to inspection.

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

Complaints against roll.

333. The council, in general committee, at its first session, if it be held within eight days, or, if there be no regular session within that time, at a special session convened for

Hearing of complaints.

the purpose, which shall be held within the eight days after the expiration of the thirty days above mentioned, may hear the parties and their witnesses, as well as the assessors, under oath, and shall report to the council, which shall maintain or alter the roll as it may deem proper, and shall declare it to be homologated and in force until another roll comes into force.

Appeals when heard.

334. The council shall take the said appeals into consideration at the said session, and if it cannot dispose of all of them at such session, it may adjourn to the following juridical day, so as to dispose of all such appeals without interruption at such session.

Disposal of appeals.

335. In all cases the council shall dispose of the said appeals and declare the valuation roll in force within four days from such session.

Appeal to Circuit Court.

Appeal lies to the Circuit Court of the county or district from any decision given by the council, under the above provisions, with respect to the valuation roll or to any valuation, whether such decision has been rendered by the council of its own accord or upon a complaint filed to that effect.

Application of certain articles of Municipal Code.

Articles 1064 to 1077 inclusively, of the Municipal Code of the Province of Quebec, shall apply to and be followed in the proceedings on such appeal.

If property diminished in value after completion of roll.

336. If, after the valuation roll of real estate shall have been declared closed, as aforesaid, any property in the city shall be considerably diminished in value, by fire, the pulling down of buildings, accidents, or any other cause, the council may, on petition from the owner, reduce the valuation of such property to its actual value.

Omitted property, &c.

If any omission has been made in the assessment roll, the council may order the assessors to value any property, so omitted, for the purposes of adding it to the supplementary roll.

Additions to roll.

337. The council may, at any time after the closing of the roll, cause all taxable property omitted from the roll, as well as all taxable property added afterwards, to be valued wholly or partially, and entered on a supplementary roll, which shall be opened by the city clerk.

Substitution of names on roll.

338. After every change of owner or occupant of any land set forth in the valuation roll in force, the council, on a written petition to that end, and after sufficient proof, may erase the name of the former owner or occupant, and inscribe on such roll the name of the new one; but such change of owners shall in nowise affect the list of electors in force.

339. In no case and for no reason shall the city clerk commence to collect the taxes due in virtue of the said roll after the first day of September of each year, and all the formalities concerning the said assessment and collection rolls must be complied with before that date. When city clerk commence to collect taxes.

AUDITORS.

340. The council shall, at the second meeting following the municipal election, appoint two auditors, who shall, before acting, take the following oath before the mayor, an alderman or a justice of the peace : Auditors.

“ I (*name of the auditor*), having been appointed to the office of auditor of the city of Hull, do swear to faithfully perform the duties thereof to the best of my judgment and ability, and I declare that I have not, either directly or indirectly, any share or interest whatsoever in any contract with the council of the said city of Hull, and that I am not employed by it. So help me God.” Oath.

341. It shall be the duty of the auditors to examine and report upon all accounts which may be entered in the books of the said council or concerning it, or which may be connected with any matters or things within the control or jurisdiction of the said city council, and to publish a detailed statement of the receipts and expenditure and of the revenues of the said council, in two newspapers, one in English and one in French, published in the said city, at least fifteen days before the annual municipal elections. Duty of auditors.

342. Neither the mayor, nor the aldermen, nor the city clerk, nor any person receiving a salary from the said council, either for an office exercised under its authority, for any contract whatsoever made with it, can fill the office of auditor of the city. Persons who can not fill the office of auditor.

INQUIRIES.

343. Whereas, in matters subjected to the council or to its committees, questions of fact may arise, which it is in the interest of justice to have elucidated by witnesses examined under oath or in any other manner, and whereas it may likewise become necessary in the same interest to institute inquiries into the conduct of its officers, in connection with their duties as such, or as to the validity of the representations made to the council respecting matters within its jurisdiction, then and in each of such cases the committee, before which such questions arise, or every special committee appointed by the council to inquire into Inquiries.

Power to
summon
witnesses.

the same, may have a summons signed by the mayor, or the person presiding, as the case may be, served upon any person, ordering him to appear before the council or before the committee, to give his evidence on the question which forms the subject matter of the inquiry, ordering him also, if deemed expedient, to produce all papers or documents in his possession which may have reference to such inquiry; provided, also, that nothing in the present provisions shall deprive such person of the benefit granted to him in certain cases, to refuse to answer, or to produce the documents asked for; the committee or committees mentioned in this section shall administer, or cause the oath to be administered, to parties and witnesses examined by them, by the chairman of the committee or by the city clerk.

Oath of wit-
nesses, &c.

Penalty for
not appearing
&c.

Every person so summoned, who neglects or refuses to appear at the date and place mentioned in the said summons, or who, after appearing, refuses to be sworn or to answer the questions put to him, or to produce the documents required, without lawful excuse, incurs thereby, on conviction before the recorder of the city, or in case of his absence or inability to act, before one or two justices of the peace for the district of Ottawa, a fine not exceeding ten dollars, and, in default of payment, an imprisonment not exceeding fifteen days.

SALE OF IMMOVEABLES LIABLE FOR TAXES.

Sale of im-
moveables
liable for
taxes.

344. The sale of immoveables liable for taxes is held in accordance with the following provisions, and those of the Municipal Code of the Province of Quebec shall apply only to the cases not hereby provided for.

Sale when
and where to
be made each
year.

345. The city clerk shall sell or cause to be sold, each year, at the office of the council or at any other place fixed by the council, on the last Wednesday of September, at the hour of ten in the forenoon, in the manner hereinafter prescribed, the immoveables on which municipal taxes or assessments are due and are exigible for at least one year.

List of proper-
ty to be sold
and what to
contain.

346. In the month of June of each year, the city clerk shall prepare a list or tabular statement giving :

1. The description, as set forth in the valuation roll or other summary description, of all the immoveables situate within the municipality on which taxes or other municipal rates are due and exigible for at least one year, with the names of the owners thereof, as indicated on the valuation roll : if the lot belongs to one proprietor and if the buildings and other improvements belong to another, the notice shall mention the names of such two owners, and the sale of the immoveables shall be made against both proprietors.

2. Opposite the description of such immoveables, the amount of the taxes or rates due and affecting such immoveables.

347. This list is accompanied by a public notice, which shall be posted up in the council room in the month of July, announcing that such immoveables shall be sold at public auction, at the place where the council holds its sittings or at any other place fixed by the council, on the last Wednesday of September following, at the hour of ten in the forenoon, in default of the payment of the municipal taxes and rates affecting the same and the costs incurred.

Notice to accompany list, and posting thereof.

348. The council may, by resolution, at any time before the sale, prevent the sale of such of the said immoveables as it may deem advisable, in the interest of the corporation, to except from such sale.

Sale of all or some of the property may be stayed.

349. The city clerk shall, in the first fortnight of the month of August, in each year, give public notice, in the usual manner, of the day, hour and place at which such sale shall be held.

Notice of sale to be given.

Such notice, as well as the copies thereof, which shall be posted up, shall respectively be accompanied by a copy of the list of immoveables to be so sold and a statement of the amount of municipal taxes and rates, and of the costs due on each immoveable respectively.

Notice what to contain.

A similar notice, with the accompanying lists, shall be published twice, in French and in English, in the Quebec Official Gazette, in the month of August preceding the sale.

Advertisement in Quebec Official Gazette.

350. The city clerk is bound to give, during the month of June, a special notice to every person whose property is to be sold, by a registered letter mailed to the address of such person.

Special notice to proprietors.

351. If the debtor or registered owner has no known domicile in the Province of Quebec, then in such cases the formality of a notice is not necessary.

Absentees not to be notified.

352. If the entry of the cadastral number at the registry office does not specify the owner, and if the title to the property does not seem sufficiently clear to indicate such owner, then the service of the notice, as aforesaid, upon the proprietor lastly assessed, if he resides in the city, shall be good and valid, and, if he is absent, no notice shall be necessary; if the immoveable assessed is entered on the valuation roll as forming part of a succession or as belonging to co-proprietors, the notice served upon one of the heirs or representatives of the said succession or upon one of the co-proprietors, shall be sufficient.

What to be deemed sufficient service of notice.

Persons who are deemed to be absent. Every person, who has no domicile or place of business in the city, shall be deemed to be absent within the meaning of this act.

Sale by auction to highest bidder. **353.** At the time indicated for the sale, the city clerk, or some other person acting in his name, sells separately, to the highest and last bidder, the immoveables described in the list on which municipal taxes or rates are still due, after having made known the amount to be levied on each of them, including the costs incurred for such sale.

Apportionment of costs. The costs of advertizing and publication are equally apportioned upon each immoveable advertized or sold.

Who becomes purchaser. **354.** Whosoever offers thereupon to pay the highest price and is the last bidder, becomes the purchaser of the immoveable so put up for sale; the said immoveable is immediately adjudged to him by the city clerk or any other person holding the sale.

Price to be paid at once. The purchaser is bound to pay the price of the immoveable immediately after the adjudication thereof.

Resale in default or adjournment of sale. In default of the immediate payment thereof, the city clerk or the person holding the sale, at once puts the immoveable up again at auction, or adjourns the sale for eight days, by giving notice of such adjournment to all persons present, in a loud and intelligible voice.

Effect of payment of price. **355.** Upon payment by the purchaser of the amount of his purchase, he is at once seized with the ownership of the immoveable adjudicated to him, and is entitled to take possession thereof, subject to the right of redemption, which may be exercised within two years from the day of adjudication.

No change to be made. During that time no change can be made which might deteriorate the property sold.

Redemption. **356.** The proprietors of the immoveables sold or any other person may redeem the same, but only in the name and for the benefit of the person who was the proprietor thereof at the time of the sale, who shall re-assume his rights.

When it can be effected. The redemption can only be effected during the two years following the date of the sale, by paying into the hands of the city clerk the amount paid by the purchaser, with interest at two per cent per year or part of a year on the price of the adjudication, and by paying to the purchaser the amount necessarily expended for preserving the immoveable.

357. If, after the sale of any property, any money remains out of the price of adjudication after the municipal rates, taxes and costs have been paid, the surplus is deposited by the city clerk in the city treasury, to be finally handed over after the redemption, to the purchaser.

Deposit of surplus.

The surplus, if any there be as aforesaid, shall be handed over to the proprietor of the immoveable sold only at the expiration of fifteen days from the date of the sale, and if such money has not been stopped by seizure or otherwise in the hands of the corporation, on his applying for the same, but without interest.

Payment to proprietor in certain case.

358. If, within two years from the date of the adjudication, the property sold has not been redeemed, the purchaser remains the irrevocable owner thereof, and, upon payment of all municipal taxes which have become due and payable on such property in the interval, such purchaser is, at the expiration of two years, entitled to a deed of sale of such property, from the corporation.

If property not redeemed.

359. The deed of sale is executed in the name of the corporation; it is signed by the mayor and the city clerk.

How deed of sale is executed.

The costs of the deed and of the registration thereof are paid by the purchaser to the city clerk before the execution of such deed of sale, which the city clerk is bound to get registered.

Costs, &c., by whom to be paid.

360. Such sale has the same effect as a sale by authority of justice.

Effect of sale.

361. The corporation may bid upon such immoveables and become the purchaser thereof, through the mayor or any other person authorized by the council, without being obliged to pay the price of sale immediately, but no employee of the corporation shall, directly or indirectly, bid upon any of the said immoveables or become the purchaser thereof, and if this should occur, such sale or purchase shall be null and void, and such employee shall forfeit the amount he may have paid, which the corporation shall not be bound to repay him.

Corporation may bid, &c.

362. The action to set aside a sale of an immoveable under the provisions of this act, or the right to set up the illegality thereof, is prescribed by six months from the date of the adjudication.

Prescription of suit to set aside sale.

363. If an immoveable, described in the list published under the provisions of this act, is announced to be sold by the sheriff, the city clerk cannot sell such immoveable.

If property also advertised by sheriff.

Extent of
right of city
to sell.

364. The right and power of the council to cause immoveables to be sold as above set forth, exists not only as regards taxes which may hereafter become due, but also for the recovery of arrears of municipal taxes and rates due and exigible before the sanction of this act.

Tariff of costs
of sale.

365. Until such time as the council has made a tariff for the costs occasioned by such sales, such costs shall be two dollars and fifty cents, in addition to the cost of advertisement and notice, for the sale of each immoveable, one dollar for the deed of sale, besides the cost of registration.

How seizures,
&c., can be
stopped.

Seizures or sales of moveables or immoveables under this act can be suspended and stopped only upon an order of a judge of the Superior Court, when the proceedings are before the Circuit Court, or on the order of the district magistrate for the district of Ottawa and Terrebonne, when the proceedings are before the said magistrate's court, given on a petition, presented in chambers, accompanied by a declaration under oath and *prima facie* proof that the allegations of the petition are well founded and justify the suspension of such seizures and sales.

Serving
petition.

The said petition shall be served upon the corporation at least one day before being presented to the judge or magistrate.

No appeal.

There is no appeal from the judgment.

Proceedings
summary.
Service of
order.

The proceedings on such petitions are summary.

If the order to suspend the seizure or sale be given by the judge or district magistrate, such order shall be served upon the corporation.

Prescription
of taxes.

366. The right of the corporation to recover all taxes, assessments, dues and water-rates is prescribed by three years from the date at which each tax, assessment or water-rate has become due, unless the corporation has commenced proceedings against the debtors before the expiration of the said three years.

SCHOOL TAXES.

School taxes.

367. Every school tax or assessment, in the city of Hull, shall be payable by the occupant of the lot assessed, either as lessee or otherwise, if there be such occupant, and in default of such occupant, by the proprietor.

Commis-
sioners to levy
on tenants,
&c.

The commissioners of the common schools and the trustees of the dissentient schools are authorized to impose, levy and collect upon every occupant of a lot or upon every proprietor in default of such occupant, any assessment or tax for the maintaining of their respective schools, without any consideration as to the title of the property, with respect to such occupant.

Every school assessment or tax shall be imposed, levied, and collected from every occupant of a lot, in the same proportion and according to the same rules as upon the proprietor, under the common school law, by the board of commissioners and the board of trustees, according as such occupant comes under the jurisdiction of either of such boards. Levying of taxes.

No assessment or tax for school purposes shall be imposed, levied or collected from the proprietor for any property already assessed or taxed in the name of the occupant of such property.

When the property assessed or taxed belongs to a proprietor under the jurisdiction of the school board, different from that under which the occupant of such property happens to be, the assessment or tax, upon such property, shall not bear hypothec upon the properties so assessed or taxed but only upon the rights and improvements of the occupant.

368. The school taxes and monthly contributions shall be imposed in the city, by a resolution of the school commissioners or trustees, and shall be levied in the manner which the said school commissioners or trustees may deem expedient, either by resolution or by by-law. How school taxes and monthly contributions are imposed.

369. All the powers conferred upon the mayor or city clerk of the city, and all the duties devolving upon them, under this act, for the collection of municipal taxes, are hereby granted, conferred and imposed upon them, for whatsoever refers to the collection of the school taxes and other contributions; provided, however, that nothing in this section shall exclude any right given by other statutes, or the common school law, to the school commissioners or trustees of the dissentient minority, to collect the taxes subject to their control by other means. Powers respecting school taxes, &c.

370. The said city clerk shall be entitled to the fees, costs and reimbursements which shall, from time to time, be determined by the school commissioners and trustees. Fees of city clerk.

371. The provisions respecting the sale of lands for municipal taxes and dues and the redemption of such lands shall apply to the sales made for school taxes, and to the redemption of such lands; but the sale of immovable property, consisting of houses, buildings or improvements, shall transfer the said immovable property to the purchaser, subject only to the conditions of the lease which may exist between the proprietor of the land and the proprietor of the said buildings or improvements. Certain provisions to apply to sale of lands for school taxes, &c.

Application of general laws respecting education.

372. The general laws concerning public instruction in the Province of Quebec shall apply to all school matters and to the procedure which is not specially provided for in this act.

CONSOLIDATION OF DEBT.

ISSUE OF DEBENTURES.

City may issue debentures.

373. The city may borrow various sums of money to pay its debts, make improvements, devote a portion thereof to the permanent works of the city, and, generally, for all the purposes within its jurisdiction; and, to that end, it may issue permanent debentures, payable either in currency or in sterling money, to an amount not exceeding one fifth of the value of the immoveable property situated within its present or future limits, whose value shall, from time to time, be established by the valuation rolls of the city made and in force for the time being.

Proviso.

The council shall not, however, borrow any amount exceeding thirty thousand dollars, over and above the debentures now issued by the said city, without having previously obtained authority therefor by a by-law approved, by the electors who are real estate owners, in the manner prescribed by this act.

Interest.

374. These bonds shall bear interest at a rate not exceeding six per cent per annum, and shall constitute the first and privileged hypothec upon the property and revenues of the city; which hypothec shall, nevertheless, be subject to the prior hypothecs of the consolidated fund and the present unredeemed obligations.

Duty of the council to provide for the payment of interest.

375. Whenever the council shall contract a loan by means of debentures, it shall immediately provide, from and out of the revenues of the corporation, for the payment of the annual interest at the rate aforesaid, and for the establishment of a sinking fund of at least two per cent per annum.

Application of sinking fund.

376. The sinking fund may be invested in the purchase of public securities belonging to the Dominion or to the Province, or in the redemption of bonds issued by the corporation, or may be deposited in the hands of the Provincial Treasurer or in a bank.

Payment of sinking fund to lenders.

377. The council may, if the lenders consent thereto, deposit in their hands the sums intended for such sinking fund.

In such case the receipts given to the council shall be so drawn as to define what amount shall have been given for interest, and what amount paid into the sinking fund.

Receipt in such case.

378. In providing for the issue of debentures, the city shall, from time to time, and as it deems expedient, put some aside and retain a sufficient portion to yield at the then market price a capital equal to the then existing debt. This portion or the proceeds thereof shall be exclusively employed in extinguishing, by exchange, redemption or repayment, the existing debt and permanent debentures in the manner to be decided by the corporation; provided that nothing contained in this act shall be deemed to authorize the corporation to compel any of its creditors or bond holders to accept the payment of his debt before maturity, or of any unredeemable debenture previously issued by the city.

Duty of city in providing for issue of debentures to lay aside certain sum. Application thereof.

Proviso.

379. The remainder of the issue hereby authorized shall be devoted to permanent and other works which may be authorized by the city, that is to say: the water-works, sewers, opening, improving or widening the streets, paving the streets and sidewalks, fire and police stations, public markets and hospitals for contagious diseases.

Remainder how applied.

380. Before making such issue, the city council shall pass a by-law determining the manner in which it shall be made, the limits of the amounts to be issued, the place or places where the interest thereon shall be paid, and where the debentures shall be registered, the mode and effect of such registration, as well as the mode of proving the same, and all other matters of detail concerning such debentures not contrary to law or to the provisions of this act. The said by-law shall constitute the basis of the issue of such debentures and shall be neither modified nor amended, but shall remain in force so long as any portion of such fund shall remain unredeemed.

By-law to regulate issue.

381. The bonds and securities of the city, which shall be redeemed by means of the sinking fund previously established, to be paid hereafter, shall be immediately cancelled.

Cancellation of old bonds.

382. The powers to borrow, previously conferred upon the city, shall terminate as soon as this act is sanctioned, and all the provisions of previous acts not in accordance with this act, are repealed, but such of the provisions which apply to the registration of the privilege, to the order of ranking and the transfer of such funds or obligations of the city, not yet redeemed, shall remain in force and have the same effect as regards the said funds and obligations only.

Repeal of certain powers to borrow.

Proviso.

Form of
debentures.

383. The debentures shall be signed by the mayor and city clerk ;

They shall bear the seal of the city ;

They shall also bear coupons for the amount of the half yearly interest, at a rate not exceeding ten per cent per annum.

The coupons shall also be signed by the mayor and the city clerk, but such signatures may be lithographed upon the said coupons.

Amount to be
issued.

384. The council may determine the amount to be issued of the debentures, either in current money or its equivalent in foreign currency.

Promissory
notes, &c.

385. The council may, by resolution, issue promissory notes, with or without interest, payable at such places and on such terms and conditions as it may deem expedient, to settle accounts or other current matters.

Security for
bonds and
notes.

386. The principal and interest of every note, bond or debenture, shall be secured on the general funds of the corporation.

Limit of
borrowing
powers.

387. In the event of a reduction in the estimated value of the taxable real estate in the city, as shown on the valuation roll, after the total debt of the city has reached the maximum authorized, the council cannot incur further debts, and it cannot, in such case, exceed, for the annual expenditure and disbursements, the amount of revenue actually collected during each year.

Special pro-
vision re-
specting
sinking fund.

388. The moneys set apart by the city for the sinking fund, in any manner whatsoever, cannot be withdrawn for any other object without the passing of a by-law sanctioned by the Lieutenant-Governor in Council.

FINANCES.

Fiscal year,
&c.

389. The fiscal year in the city shall commence on the first of May and terminate on the last day of April in the following year. The annual taxes and assessments, the school taxes, and the water rates shall be held to be imposed and levied for the period of time comprised between the said first day of May of each year and the last day of April of the subsequent year.

Annual appro-
priations.

390. Every year, at its general meeting in the month of May, the council shall make an appropriation of the amounts necessary to meet the expenditure of the current fiscal year, by providing :

1. For the payment of the interest on the debt due by the city, and for such sum as shall be required during the year for the sinking fund ;

2. For the general and ordinary expenditure of the city ;

3. For the cost of contemplated improvements ;

4. For a reserve of not less than five per cent on the gross revenue of the preceding year, to be used exclusively to meet unforeseen wants.

391 Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts remaining unexpended. Limitation of appropriations.

392. It shall not be lawful for the council to expend any greater sum of money in the aggregate than the total amount so appropriated, except in the cases and under the conditions hereinafter set forth ; but it may at any time vary the application of the sums appropriated to any committee, to any other purpose within the jurisdiction of such committee. Expenditure not to exceed appropriations.

393. Any member of the council, who joins in sanctioning the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council, or of any committee, in conformity with the foregoing sections, shall be personally responsible therefor. Penalty on members voting for such excess.

394. In cases of urgent necessity, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal ; provided that by such by-law an additional assessment shall be imposed, payable during the course of the year in which such by-law is passed, and sufficient to cover the amount so appropriated, which assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act ; subject, always, to the limit of the total rate, fixed and defined in this act for all purposes, of one cent and a quarter in the dollar on the taxable property of the city. Special appropriations. Special assessment in such case.

EXPROPRIATIONS.

395 The council shall have full power to purchase and acquire, out of the revenues of the city, all lands and property whatsoever in the said city, which it may deem necessary for opening and widening any street, public square or market square, or for the erecting of a public building thereon, or, finally, for any object of public utility of a municipal nature. Power to acquire, &c., property for certain purposes.

Expropriation
in certain
cases and
provisions
therefor.

396. When the proprietor of a lot of land, which the said council wishes to purchase for an object of public utility of a municipal nature, refuses to sell the same by private agreement, or to appoint an arbitrator to value it, or when such proprietor is absent from the Province, or when such property belongs to minors, issue unborn or lunatics, the said council may apply to the Circuit Court, sitting in and for the district of Ottawa, or any other court, for the appointment of an arbitrator by the said court to value such land, jointly with the arbitrator of the said council; such arbitrators shall have the power to appoint a third in case of disagreement. When the said arbitrators shall have made their report to the council at one of its regular sittings, it shall be lawful for the said council to acquire such land, by depositing the price awarded by the arbitrators in the hands of the prothonotary of the Superior Court, in and for the said district of Ottawa, for the use of the person entitled thereto; and if such person entitled to such compensation does not present himself, within six months after the deposit has been made into the hands of the said prothonotary, to claim the amount so deposited, then it shall be lawful for the said prothonotary, and he is hereby required, to hand over such sum to the clerk of the said city, to be by him paid to the city treasury, and the said sum shall bear interest at the rate of six per cent; the capital, as well as the interest thereon, shall be paid by the said council to any person entitled thereto, within three months after a regular notice to pay such sum shall have been given to the mayor and city clerk of such city; provided, always, that it shall be lawful for any person who considers himself aggrieved by the award of the arbitrators, to appeal therefrom to the Superior Court of the district of Ottawa, and, on summary petition, the said court may cause the value of such lot of land to be determined by a special jury summoned and constituted as such juries now are under the law and the practice of the court, and afterwards pronounce a judgment conformable to law and to justice.

OTHER BY-LAWS.

Power to pass
by-law enact-
ing penalties.

397. The council may, by by-law passed to that effect, impose, for each and every infringement of the by-laws in force, and by it made, either a fine with or without costs, or an imprisonment, and if it be a fine with or without costs, it may order an imprisonment in default of immediate payment of the said fine and costs, and when imprisonment is ordered in default of payment of a fine, such imprisonment shall cease as soon as the fine is paid. If the infringement of the by-law continues, this continuation shall, day by day, constitute a separate offence.

Continued
infringement.

398. The council may prevent any railway company, holding a provincial charter, from laying rails within the city without the consent of the council.

Consent of council required to lay rails in city.

399. The council may suspend all permits granted in virtue of the provisions of this act for bad conduct, incompetency, or violation of any by-law by the person or company who has obtained such permit.

Suspension of permits.

400. The council may, in its discretion and if it deem advisable, enter into contract to have the privies in the city emptied, stipulate that the proprietors of such privies shall be bound to pay to the contractor the costs of removing the contents thereof, at the price stipulated in the contract. The contractors shall have the right to recover, before the ordinary courts, the amounts stipulated in the said contract from the proprietor, occupant, or lessee of the premises.

Cleaning of privies, &c.

OTHER PROVISIONS.

401. When a public notice is ordered to be given, under any provisions of this act or any statute concerning the city, without prescribing the form or manner in which such notice shall be drawn up, such notice shall, in such case, be given by an advertisement inserted at least twice in a newspaper published in the city, and if there be no newspaper published in the city, a notice shall be posted, for at least ten days, on the door of the city hall, and any other two of the most public places of the city; such notice shall be established by a return of a bailiff under his oath of office.

How public notices are to be given.

402. Every special notice, which has to be given in virtue of this act to any person, may be served at his residence or place of business in the city. If the person has neither residence nor place of business in the city, the notice may be served upon him through the mail by registered letter addressed to the place where he resides. Persons who have no residence, nor place of business in the city, or who have not left their address with the city clerk of the city, are not entitled to such notice.

Special notices, how given.

Persons not entitled to notice.

403. Every bailiff of the Superior Court or of the Recorder's Court may serve and post up any notice which may be prescribed by this act, and may make his return thereof under his oath of office.

Bailiffs may serve, &c., notices.

404. If any person alleges and claims to have suffered damage through any accident or casualty for which he intends to claim damages or compensation from the city,

Notice of action in suits for damages &c.

he shall, within thirty days from the date of such accident or casualty, notify such intention to the city, by a notice containing the particulars of his claim, and the address of his personal domicile, in default of which the city is relieved from all responsibility as to the damages or compensation resulting from such accident or casualty, any provision of the Civil Code to the contrary notwithstanding.

Prescription of such suits.

405. Every action, suit or claim against the city or one of its employees, for damages resulting from offences or quasi offences or illegal acts, is prescribed by six months from the day when the right of action arose, any article or provision of the Civil Code to the contrary notwithstanding.

Penalty for refusal of office of mayor, &c.

406. Every person having been elected or appointed mayor or aldermen of the city, who shall refuse or neglect to accept such office during the whole term for which he has been so elected or appointed, shall incur a penalty of fifty dollars.

Penalty against assessors for neglect of duty.

407. Whenever the assessors or any of them shall neglect to make the valuation they are required to do under this act, or shall neglect to draw up, sign and deliver the valuation roll containing such valuation to the city clerk of the council within the time required by law, the said assessors or those amongst them in default shall incur a penalty of thirty dollars. In such case the council shall proceed to the appointment of a new assessor.

Appointment of new assessors.

NON-TAXABLE PROPERTY.

Property exempt from taxation.

408. The following property is exempt from taxation in the city, except for the water supply and light and the making and repairing of sidewalks, water-courses and drains :

Lands of Her Majesty.

409. All lands and property belonging to Her Majesty, Her Heirs and Successors ;

Government property.

2. All Federal and Provincial property and buildings ;

Places of worship, &c.

3. Every place of public worship, presbytery and its dependencies. The word "presbytery" applies to all premises serving as a dwelling for the priest, clergyman or minister of any church in the city ; provided, however, that the exemption shall not apply to more than one presbytery, for each church ;

Cemeteries.

4. Burying grounds ;

Schools.

5. Public school-houses, under the control of Catholic and Protestant school commissioners, and every educational establishment and the ground on which the same is constructed.

410. All buildings, occupied or possessed by hospitals Hospitals, &c. or charitable or educational establishments.

411. Every court house and district gaol and the grounds Court-houses and gaols, &c. attached thereto.

IMPOSITION OF TAXES.

412. In order to raise the necessary funds to meet the General expenses of the council, to pay the interest and sinking fund, power to levy taxes annually and to effect all necessary and beneficial public improve-ly. ments in the city, and to cover all expenses of administration generally incurred in the city, the council shall have the right to levy annually, upon persons and moveable and immoveable property in the city, all general and special taxes, contributions, licenses and other imposts, as hereinafter provided.

413. The council may make by-laws :

To impose and levy annually the taxes, contributions or By-laws for imposing of taxes on certain persons, &c. licenses hereinafter mentioned upon all persons, commercial or financial corporations, firms, insurance or railway companies and their agents or employees, and upon all moveable and immoveable property in the city.

414. To levy, by special assessment upon all moveable Special assessments upon persons interested in public works. or immoveable property, or upon both, belonging to persons who, in the opinion of the council, are interested in a public work under the control of the corporation, and who will benefit by such work, all sums of money necessary for the payment of the construction or maintenance of such work, or for all other purposes which it may deem expedient.

415. To levy moneys, by special assessment, for any ob- Special assessments. ject whatsoever within the limits of the powers of the council, upon all property or only upon immoveables comprised within the limits of the city, upon a petition of the majority of rate-payers who will have to pay such tax, to the amount and upon the conditions set forth in the petition.

416. To levy and collect the following amongst other Taxes may be levied upon : taxes :

Upon every lot of land, town lot or portion of a lot, wheth- Real estate. er there be buildings erected thereon or not, with all buildings thereon erected, and which constitute a separate immoveable under this act, an amount not exceeding one cent and a quarter per dollar of their real value, as shewn on the assessment roll of the city, the corporation having a

privilege for the payment of such tax on the said immovable that is upon the ground and buildings, whether they belong to one or several proprietors ; provided, always, that the said rate of one cent and a quarter per dollar shall not be exceeded for any purpose whatever, except for local improvements on the property benefited.

Tenants. **417.** To levy upon and collect from every tenant paying rent in the city, an annual sum not exceeding four cents in the dollar on the amount of the rent.

Such tax shall be considered a business tax.

Stocks-in-trade. **418.** To levy and collect upon all stocks-in-trade, or goods kept by merchants or traders exposed for sale on shelves, in shops, or kept in vaults or warehouses, in wood or coal yards, or in any other place whatsoever, a tax not exceeding one half per cent on the average estimated value of such stock-in-trade or goods, in addition to the license to be taken out for carrying on trade.

Business tax. **419.** To levy and collect a special tax (called : " business tax ") on all manufactures, occupations or means of profit or livelihood which are now or may hereafter be carried on by any person or company in the city, provided such business tax does not exceed one sixteenth of a cent per dollar of the assessed value of the property, if such property be assessed at less than one hundred thousand dollars ; one tenth of a cent per dollar of the assessed value of such property, if such valuation be under one hundred thousand dollars, but over twenty-five thousand dollars ; and one quarter of a cent per dollar, when the assessed value of the said property, according to the valuation, is under twenty-five thousand dollars.

Interpretation. The word " manufactures " comprises every establishment in which raw material is transformed into articles of trade, and the word " manufacturer " comprises every person who operates such establishment.

Salaries. **420.** To levy and collect upon all persons in the said city receiving an annual salary of three hundred dollars and over, payable in any manner whatsoever, an annual tax not exceeding one per cent on the annual amount of such salary.

Pedlars. **421.** To levy and collect a special tax upon pedlars and carters plying their trade in the city, on proprietors of horses and vehicles and on owners of velocipedes.

Brokers, &c. **422.** To levy and collect a special tax on brokers, money-lenders, on notes or otherwise ; on commission merchants ;

on pawn-brokers and auctioneers ; on clubs, keepers of inns, saloons or restaurants, brewers and distillers, and bottlers ; on theatres, circuses, menageries and minstrels, and on all public places of amusement kept open for profit ; on billiard tables, mississippi or pigeon-hole tables, ten pin alleys and other similar games ; on livery-stable keepers ; on all persons coming into the city to sell goods, medicines or other articles on the public squares, roads or streets after having given free lectures or exhibitions, and on ferry men or ferry boats conveying passengers to the city for a compensation.

423. To levy a special tax not to exceed fifty dollars on every life or accident insurance company doing business and taking risks in the city, except mutual or benefit associations or societies. Life insurance companies, &c.

424. To levy and collect a special tax not exceeding one hundred dollars on every bank doing business in the city, whatever may be its capital. Banks.

425. To levy and collect a special tax, not to exceed one hundred dollars, upon every gas company or upon every company employing electricity for lighting or heating or as motive power in any industry and doing business in the city. Gas companies, &c.

426. To levy and collect, by license or otherwise, an annual tax not exceeding two dollars on all owners or possessors of dogs, for each dog, and an annual tax not exceeding three dollars on all owners or possessors of bitches, for each bitch, except dogs kept on farms within the limits of the city. Owners, &c., of dogs.

The council may, by by-law, regulate the collection of such tax or license, or cause all dogs at large, and whose owner infringes these provisions, to be destroyed. Collection thereof.

427. To levy and collect by license or otherwise : Brick manufacturers, &c.
 Upon all brick manufacturers, wood dealers ; upon tanneries, lime or cement manufactures ; upon all owners or occupants of carding mills ; upon all persons making axes ; upon all persons manufacturing cloths or tweeds ; upon all paper and pulp manufacturers, upon all persons keeping a ship-yard where barges or other vessels are built or repaired ; upon all owners or occupants of mills or shops driven by steam or water-power ; upon all scales ;
 Upon all advocates, physicians, apothecaries, notaries, land surveyors, dentists, bailiffs, bank managers or clerks, veterinary surgeons and other professions or occupations ; Advocates, &c.

All business,
&c. Upon all business, manufactures, occupations, arts, trades and professions exercised in the city, whether they be mentioned in this act or not, and upon all persons by whom they may be exercised or carried on in the city, either on their own account or as agents for others, temporarily or otherwise, and upon the premises in or upon which they may be carried on or exercised ;

Merchants,
&c. Upon all merchants, traders, manufacturers and their agents ; upon all proprietors or keepers of wood and coal yards and abattoirs ; upon all bankers, banks, loan or building societies or their agents ; upon all agents or employees of fire, life and accident insurance companies, whether they reside in the city or not ;

Auctioneers,
grocers, &c. **428.** To levy and collect by license or otherwise, upon all auctioneers, grocers, bakers, butchers, hawkers, hucksters, sausage makers, commercial or joint stock or incorporated companies or their agents or representatives in the city ;

Non-resident
traders, &c. 2. By license for a year, or for a determined period or otherwise, upon all persons who do not reside within the limits of the city and who sell, retail, expose for sale or peddle any species of goods and effects, or cause such goods or effects of any nature whatsoever to be sold, retailed, peddled or exposed for sale, such yearly sum as the council may determine ;

Manufacturers of
ginger beer,
&c. 3. By license or otherwise, upon all manufacturers of ginger beer, spruce beer and root beer, and the agencies and agents of each of them.

Special sales
of bankrupt
stock. **429.** To levy and collect, by license, a sum not exceeding one hundred dollars, upon all persons coming temporarily into the city to sell or cause to be sold therein wares or merchandize belonging, in whole or in part, to a bankrupt estate or other stocks of merchandize, goods or articles, either by auction or by private sale.

Fine for not
taking out
license. **430.** In default of taking out such license, the offenders shall be liable to a fine not exceeding one hundred dollars, and, in default of payment of such fine and costs, to an imprisonment not exceeding two months, on conviction of such offence before the Recorder's Court.

Street railway
companies. **431.** To levy and collect an annual tax on all street railway companies.

Workmen. **432.** To levy and collect a tax of one dollar upon the workmen of all trades and occupations carried on in the city, whether they reside therein or not, working alone or for others, or all persons employed in any shops, factories, workshops, manufacture or industry whatsoever.

The masters of shops and workshops employing four men ^{Masters of} or more and contractors shall pay a yearly tax of five ^{shops, &c.} dollars.

433. The council shall, every year, either by valuation ^{Roll of} at the same time as the valuation roll is made, or by a ^{tenants, &c.} person specially appointed by it for the purpose, have a roll made of the tenants and omitted articles and for the persons and animals liable to taxation, which roll shall be deposited, examined and revised in the same manner as the valuation roll.

434. Every license granted under this act shall be signed ^{Signature to} by the city clerk, and shall give the bearer thereof the right ^{licenses and} to carry on his art, trade or industry for the period specified ^{rights con-} in the license. ^{ferred.}

435. Every tax or assessment or special tax imposed in ^{Taxes payable} virtue of the preceding provisions shall be payable yearly ^{yearly, &c.} and at the dates fixed by such by-laws.

436. Whenever the subdivision of any property shall ^{Taxation of} not have been duly registered in the registry office, the ^{property not} assessors may assess it as a whole, and it shall be lawful ^{registered as} for the city to levy such assessments on the whole or on ^{divided, &c.} any part of such property; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately.

437. In the case of any tax imposed on the partners of ^{Levying of} a firm or company of merchants, in respect of the business ^{taxes upon} of such firm or company, such tax may be claimed and ^{firms, &c.} recovered in the manner described for the recovery of assessments or taxes imposed by the council, either against such partner, or against the firm or company of which he is partner.

438. When any immoveable property, within the city, ^{Taxation of} is exempt from the payment of the ordinary and annual ^{occupants of} assessments, either under this act, or under any other law ^{property} or statute, and is occupied by any person otherwise than ^{exempt from} in an official capacity connected with the ground of such ^{taxation.} exemption, the tenant or occupant of such property shall be assessed in respect thereof to the extent to which such property would have been chargeable if not exempted; but the property itself shall be exempt from such assessment.

439. All moneys or revenues not specially appropriated ^{Sums not} form part of the general funds of the city, as well as every ^{specially} surplus of the special revenues. ^{applied, &c.}

Application
of general
funds.

440. The revenues forming part of the general funds of the city may be employed for all purposes within the jurisdiction of the council.

Application of
fines.

441. All fines and penalties recovered under this act shall be paid into the hands of the city clerk, and the proceeds of all licenses granted form part of the funds of the city, any law to the contrary notwithstanding.

MODE OF COLLECTING MUNICIPAL TAXES AND DUES.

Notice to rate-
payers to pay
taxes.

442. Immediately after the homologation of the valuation roll, the city clerk shall give public notice of the fact, and shall require all persons liable for the payment of the sums therein mentioned to pay the same at his office, within the ten days following the publication of such notice.

Demand of
payment.

At the expiration of such delay of ten days, the city clerk shall make a demand of payment of all municipal dues remaining uncollected, by serving or causing to be served upon them personally or at their domicile, or by registered letter, a special notice to that effect.

Seizure and
sale in default
of payment.

443. If, after the fifteen days next following the demand made in virtue of the preceding article, the municipal dues have not been paid, the city clerk shall levy them, together with costs, by seizure and sale of the goods and chattels of the debtors which may be found in the city.

Warrant for
such purpose.

Such seizure and sale shall be made under a warrant signed by the mayor, addressed to a constable or bailiff, who shall act under his oath of office, and be subject to the provisions respecting executions in virtue of a writ *de bonis* issued by the Circuit Court.

Mayor signing
not personally
responsible.

444. The mayor, in giving and signing such warrant, shall act under the responsibility of the corporation.

Taxes by way
of licenses
payable on
demand, &c.

445. All taxes imposed by means of licenses by the city shall be payable on demand by the city clerk or a municipal officer, and, in default of payment, may be at once levied by a warrant addressed to a bailiff or constable, issued under the hand and seal of the mayor, immediately after the default of payment, and the goods or effects may be seized and sold for the payment of such licenses by such bailiff or constable who shall follow the procedure respecting the execution of a writ *de bonis* issued by the Circuit Court, and who shall be liable to the fines and subject to the responsibilities set forth in the case of the execution of such writ *de bonis*.

446. 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 of a councillor in the absence of the mayor, 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 doors, &c.

447. The sale on such warrant shall not be stopped, except on an order of a judge of the Superior Court, made on petition presented either in chambers, or to the Circuit Court.

Sale not to be stopped except upon judge's order.

448. When the city clerk shall have furnished a rate-payer in arrear with a detailed statement of his account, he shall not be bound to repeat the same details in the account which he may subsequently furnish, but he shall mention, in a lump sum, the amount of which he shall have previously given the details to such rate-payer, and he shall be bound to give details only of the new arrears of that year.

Account in detail to be furnished once only,

He shall, however, make out an account in detail upon payment of a fee of fifty cents, which shall revert to the municipal treasury.

Except on payment of fees.

449. The debt due to the corporation for water is a privileged debt in favor of the corporation the same as for taxes and assessments; but such privilege shall not come before the claim for rent beyond an amount representing the use of such water for six months.

Debt due for water, privileged.

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

Subrogation of person who pays taxes.

451. Taxes and municipal dues shall bear interest, at the rate of six per cent per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made upon the person who owes the same.

Interest on taxes.

The council may remit such interest if it thinks proper.

Interest may be remitted.

Certain taxes may be levied by warrant.

452. All taxes, assessments or licenses imposed by any by-law under this act, may, when a person is liable thereto, and when his name does not appear upon the valuation roll then in force, be levied, if not paid on demand, upon all the goods and effects found in the possession of such person within the city, by a constable, by means of a distress warrant signed by the mayor.

Dues and interest privileged.

453. All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration ; and, in the case of distribution of moneys by authority of justice or according to law or by voluntary liquidation, such dues shall be collocated in preference to all other claims.

Taxes may be sued for.

454. Without prejudice to the above provisions, the payment of municipal taxes may be claimed by an action brought in the name of the corporation before the magistrates' court of the district or the Circuit Court.

Reduction for payments made within certain time.

455. It shall be lawful for the council at any time to decree by resolution that the rate-payers, who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine ; and the city clerk shall give public notice of such resolution.

Application of certain sections to collectors of water rates.

456. The provisions contained in the preceding sections, which affect the collecting of all municipal taxes and dues, shall apply, *mutatis mutandis*, to the collectors of the water rates due to the city.

RECORDER'S COURT.

Court established.

457. There shall be in the city a court of record to be called the "Recorder's Court of the city of Hull."

Court held by recorder.

458. The said court shall be held by the recorder, to be appointed as hereinafter provided.

Its jurisdiction :

459. The Recorder's Court has the jurisdiction of a recorder, and shall hear and determine summarily :

Collection of taxes.

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 ;

Market dues.

2. Any action for the recovery of any sum of money due to the corporation for the rent or license of any butcher's stall, or other stall or stand in or upon any of the public markets in the city, in virtue of any by-law of the council, or for any tax or duty, imposed and levied in and upon the public markets or private butchers' stalls in the city ;

3. Any action for the recovery of water rates, or any sum of money that may be due and payable to the corporation for the supply of water furnished from the city water works, to any house or building, or for the use of any person in the city ;

4. Any action for the recovery of 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 ;

5. Any action for the recovery of any sum of money due for the use or occupation of the stalls, markets, cattle yards or other real estate of the city.

460. It has concurrent jurisdiction with the Circuit Court, or with any judge of the Superior Court, as to matters between lessors and lessees, and may proceed in virtue of article 1624, paragraphs 1 and 2, of the Civil Code of Lower Canada, and of the legislative provisions amending the same, in the same manner and with the same formalities as the Circuit Court, or any of the judges of the Superior Court, is directed to proceed in and by the Code of Civil Procedure of Lower Canada ; and the Recorder's Court has, to that end, all the necessary powers and authority, including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party ; provided, always, that the competence of the Recorder's Court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or immoveable estate situate in the city.

461. After judgment ordering the eviction of the tenant, in virtue of the next preceding section, the party suing may, two days after service of such judgment on the tenant, obtain from the Recorder's Court, a warrant or writ of possession, which shall be put into execution 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.

462. The Recorder's Court may take cognizance of and determine, in a summary manner, all offences referred to from articles 2783 to 2820, both inclusive, of the Revised Statutes of the Province of Quebec, 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*.

The said court shall also have 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, now or to be hereafter in force, and incurred for any infraction of the provisions of such act or by-law.

Certain articles of Code of Civil Procedure applicable.

463. Articles 2, 3, 4, 5, 7, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, 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.

Delay on summons.

The delay on summons in the case of seizure by garnishment after judgment is the same as that in ordinary civil actions issued by the Recorder's Court.

Court when held.

464. The court shall, for the above purposes, be held daily, and as many times as may be necessary each day, in the city hall or other place in the city designated by the council to that effect, and it may fix, at its discretion, the hearing and disposing of any offence punishable upon summary conviction and within its jurisdiction; 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.

Recorder's qualification.

465. The recorder must be an advocate of the Province of Quebec, of at least five years' standing, and is appointed by the Lieutenant-Governor during good behaviour; he is *ex-officio* a justice of the peace in and for the district of Ottawa, and is vested with all the rights, powers and authority of one or two justices of the peace, and of the Recorder's Court; and it shall be lawful for him to practise his profession in all the other courts of the Province.

His salary.

466. The salary of the recorder shall not exceed eight hundred dollars per annum, payable yearly out of the funds of the city.

Appointment of recorder.

467. The appointment of a recorder may be made at the request of the city council, in virtue of a resolution to that effect.

May appoint a deputy.

468. The recorder may, from time to time, by an instrument in writing under his hand and seal, to be deposited and registered in the office of the clerk of the said Recorder's Court, appoint some fit and proper person, being an advocate of the said Province, of not less than five years' standing, to be and act as his deputy in the event of his illness or absence from the city; and any such nomination and appointment may be revoked and again made by the recorder, as circumstances may require.

469. The person so appointed shall, 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, possess the jurisdiction and be vested with all the rights, powers and privileges, and be bound to discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him; provided, nevertheless, that the city shall not be called upon or held to pay for the services so rendered by such deputy, except in case of illness and during the time allowed to the recorder for his holidays, not to exceed however thirty days in any year; the amount to be paid to such deputy for his services, in such cases, to be fixed and determined by the council. ^{Powers of deputy.} Provided also, that 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. ^{His salary in certain cases.} ^{Proviso. 2}

470. 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 will possess the jurisdiction and be vested with all the rights, powers and privileges of the recorder, until one is appointed by the Lieutenant-Governor. ^{In case of recorder's death.}

471. The clerk of the Recorder's Court shall be appointed by the council, during pleasure; the clerk may, 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. ^{Clerk of recorder's court.} ^{May appoint a deputy.}

472. 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. ^{His powers.}

473. The clerk shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the said court. ^{Duties of clerk.}

He shall, for and in the name of the corporation of the city, when the corporation is interested, 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.

- Oath of office. **474.** The clerk and deputy clerk shall take an oath of office before the Recorder's Court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.
- Register of proceedings. **475.** The clerk shall enter daily, and in a succinct manner, in a register, the proceedings had in each cause or complaint brought in the court.
- In case of clerk's death. **476.** In the event of the death of the clerk, the deputy clerk shall continue to act as such, until another clerk is appointed.
- Record of proceedings. **477.** 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 shall be 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; and the notes of proceedings endorsed on the original summons or plaint shall be sufficient evidence thereof.
- Form of writs. **478.** 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.
- Written complaint not required in certain cases. **479.** In cases tried for drunkenness, or where a person is arrested on view by a police officer or constable for an offence against the provisions, contained in the said articles 2783 to 2820, both inclusive, of the Revised Statutes of the Province of Quebec, or of this act, or of any by-law of the council, it is not necessary that the complaint be reduced to writing;
 But a verbal complaint, under oath, made before the Recorder's Court by the constable who has arrested such person, shall be deemed a sufficient complaint; if such person demand that the complaint be reduced to writing, the court shall direct the clerk so to do.
- Procedure against persons infringing by-laws. **480.** In cases of complaint for an offence against the provisions of any by-law of the council or against the provisions of any act, rule or order as aforesaid, where the person so accused has not been apprehended on view, such person may be summoned by a writ to appear before the said court, and he shall answer the said complaint as set forth in the said writ, which shall contain a summary statement of the cause of complaint or demand; such writ shall be served upon the defendant by any bailiff or con-
- Service of writ.

stable ; provided, always, 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 apprehension issued by the recorder, upon affidavit taken before him, if the same is deemed more advisable for the attainment of justice.

481. In every civil action in the said court, 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; 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 he appears, he must plead to such action within twenty-four hours, and his plea shall be entered or filed, and proof shall be adduced by the parties, and judgment finally rendered in the case, in accordance with law and justice, with costs.

Delay between service of writ and day of return, and procedure thereafter.

482. The court may grant a delay of not more than one month to any defendant who confesses judgment after the return of the action brought against him.

Delay upon confession of judgment.

483. In all prosecutions instituted before the Recorder's Court, other than civil actions, the provisions of the act, 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 proceedings on such prosecutions to 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 justices 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, the several forms therein contained may be varied in so far as it may be necessary to render them applicable to the said court.

Revised Statutes of Canada, chapter 178, applicable in certain cases.

484. In the absence of the recorder, the clerk may adjourn the court to any future day.

Clerk may adjourn court in absence of recorder.

485. The Recorder's 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.

Summoning witnesses.

486. The said court has the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure.

Coercive imprisonment.

- Evidence in civil suits.** **487.** In any civil action, the Recorder's Court shall, as regards the admissibility of oral testimony, and the competency 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.
- Who may be witnesses.** **488.** 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.
- One witness sufficient in some cases.** **489.** Any tax, assessment, or water rate due to the city, or any penalty or fine which may be claimed or sued for in the said court, is recoverable on the oath of one witness; and any person accused in the said court of any offence within its cognizance, may also be condemned on the oath of one witness.
- Evidence to be oral.** **490.** The depositions of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid, shall not be reduced to writing.
- Maintenance of order.** **491.** The Recorder's Court shall cause order to be maintained during its sittings, and may punish, by fine, or imprisonment, any person guilty of contempt of the said court, during its sittings.
- Bailiffs.** **492.** The city council shall appoint, from time to time by resolution, 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;
Every bailiff of the Superior Court may, however, act as such for the Recorder's Court.
- Oath of office.** The bailiffs so appointed shall take an oath of office before the recorder.
- Returns.** **493.** 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 whatsoever.
- Proviso as to bailiffs of Superior Court.** Returns of service of any writ issued by the said court, may likewise be made by any bailiff of the Superior Court; and in all cases so instituted in the Recorder's Court, any such bailiff shall have, *ex-officio*, full power and author-

ity to fulfil the duties of bailiff of the Recorder's Court, in the same manner as if specially appointed by the recorder for that purpose.

The return of any bailiff written on the back of any order, summons, writ, subpoena or other document to be used before the Recorder's Court shall be *prima facie* evidence of such service. Proof of service.

494. 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. Executions.

No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered. When issued.

495. 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 in the Province of Quebec; subject, however, to the provisions respecting the collection of taxes contained in this act. Seizure and sale.

496. If the property of the defendant is 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 shall have made the seizure, as the case may be. If there be a previous seizure.

497. The delivery of such writ of execution shall have the effect of an opposition *afin de conserver*, and shall be sufficient to secure to the city, by privilege (in cases in which such privilege exists), the payment of the sum due, including principal, interest and costs. Effect of delivery of writ.

498. If the defendant has no goods and chattels in the district of Ottawa, or if they be insufficient to satisfy the judgment rendered, or, if after the sale of the said goods and chattels of the defendant, there still remains a balance due to the corporation on such judgment, in all such cases when the judgment is for a sum of over forty dollars, and if the defendant owns real estate, lands or tenements in any district of the Province of Quebec, the Recorder's Court may issue a writ *de terris*, signed as aforesaid, addressed to the sheriff of the district in which such immoveables are situated. If defendant has no goods, &c. Issue of writ de terris.

The writ shall be returnable before the Superior Court for the district of Ottawa.

On receipt of such writ, how sheriff shall act, &c.

499. On receipt of such writ, the sheriff to whom it is addressed shall act and proceed upon the said writ in every respect as if it had been issued by the Superior Court, and he shall make a return of his proceedings in executing it to the Superior Court for the district of Ottawa as aforesaid.

Subsequent proceedings shall be had before Superior Court, &c.

500. All subsequent proceedings of any kind whatsoever resulting from the issue of such writ or necessary for its execution, both as regards the plaintiff and the defendant, or as regards any other person who shall have legally intervened by opposition or otherwise, shall be had before the said Superior Court as if the action had originally been taken and decided in the Superior Court.

Saisie arrêt.

501. The Recorder's 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*.

Recovery of fines.

502. The recovery of all fines adjudged by the Recorder's Court is proceeded with, in pursuance of the by-law imposing such fine, by writ and distress warrant against the goods and chattels of the defendant, as the case may be, and such writ and warrant are issued in the manner above stated.

Act or by-law need not be cited.

503. In any suit, action or prosecution brought by the corporation, in the Recorder's Court, it is not necessary to specify or recite the act or by-law under which such suit, action or prosecution is brought; but it is sufficient to state that it is in virtue of the act or by-law in that behalf made.

Costs of bailiffs, &c.

504. The costs of bailiffs, attorneys and advocates of the parties, in all cases before the Recorder's Court in civil cases, shall be the same as those in Circuit Court cases for the same amount.

Law stamps.

505. It is not necessary to affix any law stamps to the summonses, writs, warrants or other documents issued by the Recorder's Court.

Prosecutions for certain offences under by-laws.

506. 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, as may be thought more advisable for the attainment of justice.

507. The said 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. Power of proportioning punishment to offence.

508. All fines imposed by this act, or by the provisions of 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 party, 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 how recovered.

509. 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. If offender be a corporation.

510. Any joint-owner or occupier of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the council now or hereafter in force, bearing upon such joint-owner or occupier, 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 co-owners or co-occupiers, in the Recorder's Court, as may deem advisable, as also any agent of the said joint-owner or occupier; in the suit, it is sufficient to mention the name of one such joint-owners, or occupiers, or of such agent, with the addition of the words: "and others," and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency, is sufficient, any law, usage or custom to the contrary notwithstanding. Liability of joint-owner, &c.

511. 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 corporation of the city of Hull;" those taken at the instance of private parties are in the name of such parties respectively. Suits in whose name taken.

Application of fines. **512.** All fines sued 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 said city, belong to and form part of the general funds of the city, unless otherwise provided for.

Remission of fines. **513.** To the council alone appertains the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine.

How made. **514.** This remission is made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, by the person asking such remission, and not otherwise.

Imprisonment where to be. **515.** Whenever, in the present or any other act relative to 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 Ottawa.

Costs. **516.** The Recorder's Court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs.

Certain allegations dispensed with. **517.** 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 shown.

Amendment of errors in summons, &c. **518.** In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the christian or surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may, at any time, before, during, or after the *enquête*, or before judgment, upon petition 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 for the ends of justice.

Deposit in cases of *saisie arrêt*. **519.** In cases of *saisie-arrêt* issued in the hands of the corporation, it shall be lawful for the city clerk to deposit in the office of the court, whence such *saisie-*

arrêt issued, the sum of money which he may have in hand belonging or owing to the defendant, so that the said sum may be paid to whom it may appertain, as the court may order.

520. Any person arrested or summoned to appear before the Recorder's Court and who may be sentenced to a fine or penalty imposed under this act or the by-laws made by the council, may settle his case before his appearance before the Recorder's Court; the clerk of the Recorder's Court, the city clerk, treasurer or mayor of the city is hereby authorized to accept payment of any such fine or penalty and to determine the payment thereof as he may think proper or expedient, as well as the costs incurred, without appearance or without awaiting the decision of the court or even without any prosecution having been commenced.

Any person may settle his case before appearance.

521. Any information or complaint for infringement of any by-law of the city council shall be laid and brought within sixty days from the commission of the offence.

Delay for complaint.

522. The sheriff and gaoler of the prison of the district of Ottawa are bound and are hereby ordered and empowered to receive and keep in safe custody until duly discharged all persons sentenced to imprisonment under this act or any by-law passed by the city council, and also all persons confided to the custody of the said sheriff or gaoler by the city council or by any of its members or officers authorized by it or by the returning officer or deputy returning officer at any municipal election in the city.

Duty of sheriff and gaoler.

FINAL PROVISIONS.

523. The council may, in any by-law made under the provisions of this act, enact the imposition of punishment, by fine or imprisonment, for enforcing any such by-law; provided that the fine does not exceed the sum of fifty dollars, and that the imprisonment be for a period not exceeding thirty days, saving offences against by-laws respecting the sale of liquors and licenses, and others for which it is otherwise ordered by this act.

Power to impose certain penalties.

The court which decides upon the offence may limit the fine or imprisonment.

Discretion of court.

524. Every member of the council, every officer appointed by such council, and every other person who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a fine not exceeding fifty dollars and not less than twenty dollars, and in default of payment an imprisonment not exceeding thirty days.

Fine on person not performing duties under act.

Fine on inspectors or officers of roads.

525. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a fine of four dollars, unless some other fine be by by-law imposed on him for such offence.

Interfering with officers, &c.

526. Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council or constable in the exercise of any of the powers, or in the performance of any of the duties, conferred or imposed upon him by this act, or by any by-law or order of the said council, shall incur a fine of forty dollars and be subject to the same punishment on conviction of such offence, by complaint or otherwise, as that inflicted by law upon all other persons for assault upon a constable in the execution of his duty.

Destroying, &c, notice, &c.

527. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document required by this act or by any by-law or order of the council to be posted up at any public place, for the information of persons interested, shall incur a fine not exceeding twenty dollars for such offence, and, in default of immediate payment of such fine and costs, an imprisonment not exceeding thirty days.

Purchase of macadamized, &c., roads by city and how effected.

528. The council shall, in the general interest of the city, have the right, whenever it deems expedient, to purchase and acquire the portions of macadamized and stoned roads which are within the city limits and belong to one or more companies, in the following manner:

Notice of intention to purchase.

In default of an agreement and understanding between the said company or companies owning the said portion or portions of macadamized or stoned roads and the corporation of the city, the council shall give the company or companies a six months' notice in writing of its intention to purchase such portion or portions of road; the council shall, at the same time, notify the company or companies that it has appointed an arbitrator and shall mention his name; the company or companies shall be bound, within five months from the service of such notice, to appoint its or their arbitrator or arbitrators, and give notice thereof to the council, mentioning also the name of such arbitrator or arbitrators; during the six months, the arbitrators appointed by the council and the company or companies shall meet and appoint a third arbitrator.

With name of arbitrator.

Duty of company thereafter.

Duties of arbitrators thereafter.

Within the thirty days following the expiration of the the six months mentioned in the notice of the said council, the three arbitrators shall value the portion or portions

of road which the council intends to purchase and acquire, and report to the council and to the company or companies.

529. In valuing the portion or portions of road, the arbitrators shall take into consideration only the actual value of the road, that is to say, what it would cost to macadamize or stone the portion or portions of road which the council so wishes to acquire, without taking into account any privilege or damage or what such portion or portions of road may have formerly cost.

What to be taken into account by arbitrators.

530. In the thirty days following the deposit of such report it shall be lawful for the council to accept or refuse such report, and in either case notice shall be at once given to the company or companies.

Acceptance or refusal of report by council.

531. If the report be accepted, the council shall, at the same time, notify the company or companies that it holds at its or their disposal the amount mentioned in the said report; in such case the company or companies shall, within twenty days of such notice, pass a deed of abandonment to the city of Hull; within the fifteen days following the signing of the contract, the company or companies shall transfer their toll-gates outside of the city.

Duty of council if it accepts report.

Transfer.

532. After the transfer of such portion or portions of road, the city shall be bound to maintain the same.

Maintenance of roads thereafter.

533. If any hypothec or privilege exist on such portion or portions of road or upon the whole road, the city may retain the amount awarded by the arbitrators and pay legal interest thereon annually to the interested parties until such hypothec or privilege be removed.

If any hypothecs on road, &c.

534. If the arbitrators appointed by the city council and by the said interested parties do not agree upon the appointment of a third arbitrator, the said arbitrator shall be appointed by the judge or by the Superior Court of the district of Ottawa, on the application of either of the interested parties.

Appointment of third arbitrator by court, &c.

535. If the company or companies refuse to appoint an arbitrator or arbitrators, the judge or the Superior Court of the district of Ottawa shall make the appointment on application to that effect from the city.

If company refuses to appoint arbitrator.

536. The arbitrators shall, before acting, be sworn before the prothonotary of the Superior Court, and their award shall be final.

Arbitrators to be sworn.

Costs of arbitration. **537.** The costs of the said arbitrators and of the said arbitration shall be paid by the city.

If company refuses to sign deed after award. **538.** If the company or companies, after the award has been accepted by the city, refuse to sign a deed of transfer of the said portion or portions of road, a judge of the Superior Court for the district of Ottawa or the court, on application to that effect by the council, may appoint a person to sign the said contract for and in the name of the said company or companies or render a judgment equivalent to such contract.

Repeal of inconsistent provisions. **539.** All provisions of law inconsistent with the provisions of this act shall be and are hereby repealed.

Coming into force. **540.** This act shall come into force on the day of its sanction.

CAP. LIII.

An Act to amend the various acts respecting the city of Ste. Cunégonde of Montreal.

[Assented to 27th February, 1893].

Preamble. **W**HEREAS the city of Ste. Cunégonde of Montreal has, by its petition, prayed for certain amendments to the act 53 Victoria, chapter 70, and the various acts amending the same, 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 :

53 V., c. 70, art. 2, replaced. **1.** Article 2 of the act 53 Victoria, chapter 70, is replaced by the following :

Interpretation : “ **2.** The following words in this act shall, unless the context otherwise requires, be understood to have the meaning given by this article :

Council. **1.** The word “ council ” shall mean the council of the corporation of the city of Ste. Cunégonde of Montreal ;

Mayor, &c. **2.** The words “ mayor,” and “ aldermen,” “ city surveyor ” shall mean the mayor, aldermen and city surveyor of the corporation of the city of Ste. Cunégonde of Montreal, respectively ;

Secretary-treasurer, &c. **3.** The words “ secretary-treasurer,” “ assistant secretary-treasurer,” “ clerk,” and “ assistant clerk ” shall mean the secretary-treasurer, assistant secretary-treasurer, clerk and assistant clerk of the city of Ste. Cunégonde of Montreal ;

Corporation. **4.** The word “ corporation ” shall mean the city of Ste. Cunégonde of Montreal, as hereby constituted ;