

C A P . L V I .

An Act to amend the charter of the town of Longueuil.

[Assented to 27th February, 1893.]

WHEREAS it is expedient to amend and extend the ^{Preamble.} powers conferred upon the town of Longueuil by its charter, the act 44-45 Victoria, chapter 75, as amended by the act 49-50 Victoria, chapter 47, and whereas the corporation has, by its petition, prayed for such amendments ;

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

1. Section 1 of the act 49-50 Victoria, chapter 47, is ^{49-50 V., c. 47,} amended by adding, after subsection 3, the following : ^{s. 1, amended.}

“ 4. Upon a petition of the majority of the proprietors in number and in value owning, by authentic titles, any lands within the territory adjacent to the town and bearing the numbers 36 and 37 of the cadastre of the parish of Longueuil and their subdivisions, it shall be lawful for the town council to include the said territory within the town. ^{Annexation to town of adjacent property, &c.}

When such territory shall have been so included, by a by-law of the town council, on the petition of the majority of the proprietors as aforesaid, it shall form part of the town of Longueuil for all the purposes indicated in the charter of the said town and its amendments.

The same shall be done under the same circumstances and conditions and by the same proceedings in the case of the territory comprising numbers 154 and 155 of the cadastre of the parish of Longueuil and their subdivisions.

The same shall also be done with reference to the territory comprising the lots 156, 157, 158 and 159 of the cadastre of the parish of Longueuil and their subdivisions.”

2. Section 6 of the act 44-45 Victoria, chapter 75, is re- ^{44-45 V., c. 75,} placed by the following : ^{s. 6, replaced.}

“ QUALIFICATION OF MAYOR AND COUNCILLORS.

“ **6.** No person shall be elected mayor of the town of Longueuil, unless he is able to read and write, and unless he shall have been a resident householder in the town for six months preceding such election, nor unless he be, at the time of the election, possessed as proprietor, in his own name or in the name of his wife, as hereinafter explained, of real estate, within the limits of the town, of the value of one thousand dollars, after deducting all hypothecary debts affecting such real estate, at the time of election ; ^{Qualification of mayor.}

Qualification of councillors. 2. No person shall be elected councillor of the town of Longueuil, unless he be able to read and write, and shall have been a resident householder in the town for six months preceding such election, and unless he be possessed at the time of election as proprietor, in his own name or in that of his wife, of real estate of the value of four hundred dollars, after deducting all hypothecary debts affecting such real estate, at the time of election.

Value of property how established. 3. The real estate on which the mayor or the councillors are qualified shall be entered on the valuation roll then in force, and the value of such real estate shall be in all cases determined and fixed by the said roll.

Further qualification of mayor and councillors. 4. No person shall be eligible as mayor or councillor of the said town of Longueuil, unless he be a subject of Her Majesty and of the full age of twenty-one years.

Withdrawal of candidate. 5. Every candidate, nominated as mayor or councillor, may, at any time before the close of the poll, withdraw from the contest, by delivering, into the hands of the secretary of the town, a written declaration to that effect, signed by himself in the presence of two witnesses, who shall also sign it, and in such case the secretary of the town, on receipt of such declaration, shall publish the fact by public notice; if there be but one candidate left for the said office, the secretary shall proclaim him duly elected, and in such case all the formalities connected with such election shall be stopped.

R. S., art. 4216, not to apply. Article 4216 of the Revised Statutes of the Province of Quebec shall not apply to the town of Longueuil."

44-45 V., c. 75, s. 7, replaced. 3. Section 7 of the act 44-45 Victoria, chapter 75, is replaced by the following:

Persons disqualified for office of mayor or councillor. "7. The following persons shall not be eligible as mayor or councillor of the said town, nor exercise any such functions, to wit: minors, persons being in holy orders, and ministers of any religious creed, members of the Executive Council, judges, sheriffs and clerks of any court of justice, the officers on full pay in Her Majesty's army and navy, inn-keepers, hotel-keepers or persons being keepers of houses of public entertainment, being or having been such during the last twelve months within the limits of the town of Longueuil, persons accountable for the revenues of the town, their sureties, or other persons receiving any pecuniary allowance from the town for their services, contractors of the corporation, nor the sureties of such contractors, nor any member of any firm or company not incorporated, to whom the corporation shall have given a contract or undertaking whatsoever; provided that no person shall be ineligible to those offices, nor shall be rendered incapable of exercising any such functions from the fact of his being a shareholder in any

Proviso.

incorporated company which may have with the town a contract, rendering a person incapable of holding such office.

2. The word "judge," employed in this section, shall not apply to a justice of the peace or commissioner of small causes." Interpretation.

4. Section 9 of the act 44-45 Victoria, chapter 75, is replaced by the following : 44-45 V., c. 75, s. 7, replaced.

" 9. The office of mayor or councillor or councillors becomes vacant : Vacancy in office of mayor and councillors.

1. When the person holding that office is deceased or becomes insolvent.

Every person who has made an abandonment of property is deemed insolvent ;

2. If, at any time during the period in which he is to discharge such office, he becomes deprived of any of the qualifications required to be elected mayor or councillor of the town, mentioned in section seven of this act, or if he comes under one of the disqualifications, as to the exercise of these offices, mentioned in section eight of this act ;

3. When the person in office discontinues during two calendar months, or when he ceases completely to reside and to have his domicile within the limits of the town of Longueuil ;

4. When the person, who holds that office, shall absent himself from the sittings of the council during two consecutive months, and the council shall have by resolution declared the seat vacant, before such person shall have taken it again ;

5. In the event of the annulling of the election, or refusal to accept, or of resignation of the office, if such resignation is accepted by a resolution of the council."

5. Section 12 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 12, replaced.

" 12. At a meeting of the council, previous to the notice announcing any such election for the town, the council shall appoint an election president for each ward in which such election is to take place ; and the secretary-treasurer of the council shall be *ex-officio* president for the election of the mayor ; Appointment of person to preside over election.

2. The presidents for the election of councillors shall be chosen as much as possible amongst the councillors who shall not then go out of office ; and at such elections, the mayor and the councillors going out of office shall not, in any case, be appointed presidents for the election of councillors for any ward ; Selection of persons to preside at elections of councillors.

Qualification. 3. The election presidents must know how to read and write ;

Replacing of
presiding offi-
cer. 4. In case a person appointed as president as afore-
said shall not be able to act as such, the secretary-treasurer
of the town may appoint any other person to replace him."

Id., s. 14, and
49-50 V., c. 47,
s. 2, replaced. 6. Section 14 of the act 44-45 Victoria, chapter 75, and
section 2 of the act 49-50 Victoria, chapter 47, are replaced
by the following :

Municipal
electors.

" 14. The following persons shall be entitled to vote at municipal elections of the said town : every man of the age of twenty-one years actually possessed as proprietor, in his own name or in that of his wife, of real estate in the said town, entered on the valuation roll in force at the time of the completion of any list of municipal electors, made under the authority of this act, of the value of two hundred dollars, or as tenant or occupant, in his own name or in that of his wife, of real estate, of an annual value of not less than fifty dollars, provided that his name is inscribed on the list of electors in force at the time of the election, provided that the real estate or part of the real estate which such lessee or occupant occupies, as above mentioned, be entered on the valuation roll as of the value of not less than two hundred dollars. Widows and spinsters have, as regards voting, the same rights as those conferred by this paragraph upon citizens who are property holders, provided they fulfil the same conditions.

Taxes, &c.,
to be paid be-
fore voting.

2. No elector can vote unless he has paid all taxes, assessments and water rates at least fifteen days before the voting ;

Residence re-
quired of ten-
ant, &c.

3. No tenant or occupant shall exercise his right to vote at any municipal election, unless he shall have been a resident, as such tenant or occupant, in the town, for at least six months next preceding the day of voting for such election.

R. S., art.
4227, not to
apply.

Article 4227 of the Revised Statutes shall not apply to the town of Longueuil."

44-45 V., c. 75,
s. 19, replaced.

7. Section 19 of the act 44-45 Victoria, chapter 75, is replaced by the following :

When and
where nomi-
nations are
held.

" 19. The first Wednesday of February in each year, or if that day is a non-juridical day, then the next following juridical day, is fixed as the day for the nomination of candidates for the offices of mayor and councillors to replace the members going out of office.

The nomination and voting for the election of mayor and councillors shall take place at the town hall."

8. Section 20 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 20, replaced.

“ 20. At ten o'clock in the forenoon of the day fixed for the nomination, the president of the election, for either mayor or for councillors, shall proceed to the place where such nomination is to be held as aforesaid, and shall then and there require the electors then present to name the person or persons whom they wish to choose as mayor or as councillors, as the case may be ; and from ten to eleven o'clock, any ten duly qualified electors of the town may openly and publicly address to the said president for the election of mayor a demand or requisition in writing, signed by such ten electors, whether present or not at such meeting, that the person by them named be elected mayor of the town, for the next ensuing term of the office of mayor ; and, in the event of there being only one such demand or requisition made as aforesaid, or if all the demands and requisitions so made are for one and the same person, then the president of the election, after the expiration of the hour aforesaid, shall proclaim that person duly elected mayor of the town, for the term next ensuing of the office ; and, within the same delay, any five duly qualified electors in any ward of the said town, may, on the day aforesaid, address openly and publicly to the president of the election for such ward of the town, for the office of councillors in such ward, a demand or requisition in writing signed by such five electors, whether present or not at the meeting that the person or persons, named by them, be elected as councillors, for the ward in which the petitioners are electors as aforesaid ; and if there be only one demand or requisition for the election of councillors in such ward of the town, or, if all the requisitions made in the ward be for the election of the same person or persons as councillors for the ward, then the president of the election for such ward of the town, after the expiration of the hour aforesaid, shall proclaim the person or persons, named in the requisition or requisitions, as the case may be, duly elected councillor or councillors for the said ward, for the next ensuing term of the offices ; and each and every such election made as aforesaid, without dissent, shall be forthwith proclaimed by the person who shall have presided at each such nomination ; and the said person shall moreover give to the persons so elected mayor of the town, or councillors for any ward thereof, special notice of his or their election, within the three days next following the day of the nomination as aforesaid.”

VOTING BY BALLOT.

9. Section 27 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 27, replaced.

Proceedings
on polling
day.

List of elect-
ors.

Ballot box.

Ballot box
how made.

Ballot papers.

To be alike.

Description
thereof.

How names
are entered
thereon.

Id., s. 28, re-
placed.

Separate bal-
lots for each
member.

Color of ballot
papers.

Number of
ballots to be
received by
each elector
and voting
by him.

Copies of
printed direc-
tions for elec-
tors.

Posting of
such direc-
tions.

“**27.** When a poll is necessary for the election of a mayor or alderman, the presiding officer shall, on the day following the nomination, give to each of the presiding officers the list, or a copy of the list, of the electors who are entitled to vote at the polls for which the presiding officers are appointed, and deliver to each of them a ballot box to receive the ballot papers of the electors.

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

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

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

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

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

10. Section 28 of the act 44-45 Victoria, chapter 75, is replaced by the following :

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

The ballot papers for the election of mayor shall be printed on white paper, and those for the election of councillor, on colored paper.

Every elector shall receive, from the presiding officer for the ward in which he is to vote, as many ballot papers as he has votes to give ; and every such elector, after marking his vote in the manner hereinafter prescribed upon each ballot paper, shall hand them all together and folded separately to the said presiding officer.

The presiding officer or mayor shall also furnish to each ward-presiding officer, at least ten copies of printed directions for the guidance of electors in voting.

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

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

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

The said oaths shall be annexed to the statement mentioned in section 32.

The voting shall take place for each of the wards where a poll is to be held at the town hall as aforesaid ;

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

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

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

The agents or representatives of each candidate shall make oath, before the presiding officer, to keep secret the names of the candidates for whom the electors mark their ballot papers in their presence.

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

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

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

11. Section 29 of the act 44-45 Victoria, chapter 75, is replaced by the following :

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

If such name be found on the list of electors for such ward, the elector shall receive from the presiding officer a ballot paper for each vote he has to give, on the back

Oath to be taken by president and poll-clerk. Before whom.

Oaths to be annexed to statement. Voting to be at town hall.

Compartment in poll-house.

Persons to be present in poll-house.

Absence of agents provided for.

Agents, &c., to be sworn.

Examination of ballot box before voting.

Closing of box.

Commencement of voting thereafter.

Id., s. 30, replaced.

Entry of names on poll-book.

Delivery of ballot paper to elector.

of which such presiding officer shall have previously put his initials, and on the annex whereof, a number corresponding to that opposite the voter's name on the poll-book.

Elector may be required to take oath.

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

Form of oath.

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

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

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

That you have a right to vote at this election ;

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

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

That all your exigible municipal assessments, taxes and dues were paid on or before the fifteenth day before the day fixed for the nomination ;

That you have not received or been promised anything for yourself, either through your wife or through any member of your family, or any of your friends, either directly or indirectly, to vote at this election, and that you have not already voted at this election, (*of mayor or alderman for this ward, as the case may be*) ;

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

Refusal to take oath.

No ballot paper shall be given by the presiding officer to any elector, who shall have refused to take the oath or affirmation above mentioned when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed, nor shall he be allowed to present himself again to vote at the same election.

Oath require by presiding officer.

Whenever any presiding officer has reason to know or believe that any person, presenting himself to vote, has already voted at the election, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such presiding officer, whether he be required to do so or not, may administer to such person the oath or affirmation authorized by law ;

Duty of elector on receiving ballot paper.

The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot paper, making a cross with a black lead pencil, opposite the name of the candi-

date for whom he intends to vote, after which he shall fold it up so as to conceal his mark and hand it to the deputy-presiding officer. Return to officer.

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

12. Section 30 of the act 44-45 Victoria, chapter 75, is replaced by the following: Id., s. 30, replaced.

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

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

2. The word "sworn" or "affirmed," if the elector has taken the oath or affirmation; or Sworn;

3. The words "refused to be sworn" or "refused to affirm," if the elector has refused to take the oath or affirmation; Refused to be sworn;

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

The presiding officer, on application of any voter who is unable to read or write, or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this act, shall assist such voter: Aid to electors requiring assistance.

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

(b.) By placing such ballot paper in the ballot box.

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

Any person, who is entitled to vote for mayor in one of the wards of the city, and who has been appointed presiding officer, or poll-clerk, or agent of one of the candidates for a ward, other than the one where he is entitled to vote, shall, on request, receive from the presiding officer, a certificate showing such right to vote and authorizing him to vote at the poll where he shall be employed. Voting of election officers.

On the production of such certificate, such person may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote. Certificate required.

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

Spoiled ballots.

If an elector has inadvertently marked, spoiled or torn the ballot paper given him, in such manner that it cannot be conveniently used, he may, on delivering the same to the presiding officer, obtain another ballot paper.

Number of ballots to be given to elector, &c.

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

Id., s. 31, replaced.

13. Section 31 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Voting after another has voted in same name.

"**31.** If a person, representing himself to be a particular elector named on the list of electors, applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath specified in section 29 of this act, shall be entitled to vote as any other elector.

Mention of fact in poll-book, &c.

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

Interpreter.

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

Voters to lose no time.

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

Ballots not to be removed out of poll.

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

Ballot not to be exhibited.

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

Inteference not allowed.

No person shall interfere with, or attempt to interfere with a voter when preparing his ballot paper, or otherwise make any attempt to obtain at the poll information as to the name of the candidate for whom any voter at such poll is about to vote or has voted.

Secrecy at voting.

Every election officer, candidate, agent and elector in attendance at a poll, shall maintain and aid in maintaining the secrecy of the voting at such poll. None of such persons shall communicate, before the poll is closed, any information as to whether any person on the list of electors has or has not applied for a ballot paper, or voted, at that poll.

No information as to ballots asked for.

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

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

Whoever shall fraudulently put or attempt to put into any ballot box any paper, other than his ballot paper, shall, for each offence, incur a penalty of two hundred dollars, and imprisonment for six months in default of payment. Penalty for putting other than ballots in box.

No person shall, in any legal proceeding, be required to state for whom he has voted at any municipal election. None need declare for whom he has voted

14. Section 32 of the act 44-45 Victoria, chapter 75, is replaced by the following : id., s. 32, replaced.

32. Immediately after the close of the poll, which shall be at four o'clock in the afternoon, the presiding officer shall, in the voting room and in presence of the poll-clerk, and of the candidates or their agents, or, in the absence of any one of the candidates or their agents, in the presence of at least three electors, open the box containing the ballot papers, and proceed to count the number of votes given for each candidate. Counting the ballot papers.

The presiding officer, on reading and counting the ballot papers, shall reject : Duty of officer in counting.

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

2. All ballot papers by which more than one vote has been given ;

3. All those upon which there is any writing, mark, or indications by which the voter could be identified.

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

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

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

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

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

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

Statement to be made. The presiding officer shall make out a statement indicating the number :

- (a.) Of the accepted ballot papers ;
- (b.) Of the votes given to each candidate ;
- (c.) Of the rejected ballot papers ;
- (d.) Of the spoiled and returned ballot papers, and
- (e.) Of the ballot papers which have not been used, and which are returned by him.

Documents to be placed in box. He shall make and keep a copy of such statement and enclose the original in the ballot box.

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

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

Box to be sealed.

The ballot box shall then be locked and sealed, and shall be returned to the presiding officer, or to his assistant."

Id., ss. 33 and 34, replaced.

15. Sections 33 and 34 of the act 44-45 Victoria, chapter 75, are replaced by the following :

Special messengers to collect boxes.

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

Oath.

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

Certificate of number of votes.

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

Id., s. 35, replaced.

16. Section 35 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Secrecy at counting.

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

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

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

17. Section 36 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 36, replaced.

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

After the final counting of the votes, the officer presiding the election shall declare and proclaim elected as mayor the candidate who has obtained the largest number of votes in the town, and as councillor, the candidate who has received the greatest number of votes in the ward. Proclamation of candidates elected.

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

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

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

If the lists, statements, certificates, or copies thereof, cannot be obtained, the presiding officer shall ascertain, by such evidence he may be able to obtain, the total number of votes given to each candidate at the several polls, where ballot boxes are missing.” If lists, &c., cannot be procured.

18. Section 37 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 37, replaced.

Candidate having majority to be declared elected.

Casting vote of the presiding officer.

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

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

Id., s. 38, replaced.

19. Section 38 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Power of council to make forms and schedules, &c. Proviso.

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

R. S., arts. 4229 to 4273, not to apply.

All the articles of the Revised Statutes, from article 4229 to article 4273, respecting the mode of voting at elections in towns generally, shall not apply to the town of Longueuil.”

Id., s. 39, replaced.

20. Section 39 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Term of mayor and councillors.

“39. The mayor and councillors of the town shall be elected for two years, except in the case provided by section 42 ;

When term expires.

2. The term of office for the mayor and councillors shall expire the day upon which the first meeting of the town council shall take place, after the general elections for the said town, at the opening of the said sitting.

R. S., art. 4195, not to apply.

Article 4195 of the Revised Statutes shall not apply to the town of Longueuil.”

Id., s. 43, replaced.

21. Section 43 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Councillors in office to cause election to be made, in certain cases.

“43. In case it shall at any time happen that an annual municipal election shall not be held, for any reason whatever, on the day when it ought to have been held, it shall be the duty of such members of the council who do not go out of office to meet again for the purpose of fixing a day as near as possible, for the holding of such annual municipal election, and for the appointment of the presidents of the election, and in that case, the public notices shall be posted up at least four clear days before the election ; and if, within fifteen days after the day on which such election ought to have been held, the council shall

have neglected to appoint a day for the election, the members shall be liable to a penalty of twenty dollars each, and, in the latter case, the mayor of the town or, in his absence, the pro-mayor, or a councillor who does not go out of office, shall have power, and shall, under a penalty of not less than one hundred dollars, cause the said elections to be proceeded with, and, for that purpose, shall appoint the presidents of elections, give the required public notices, fix the nomination day for the election of the mayor and councillors of the town, and in a like manner he shall fix the polling days for the elections, in case polls shall be granted for such elections, and, generally, he shall exercise all the powers vested in the town council, according to the election provisions of this act, in relation to the general election of the said town; provided, always, that the public notices required for such elections, so convened and fixed by the mayor or the pro-mayor or a councillor who does not go out of office, be posted up at least four clear days before such elections.

“**43a.** All hotels, taverns and saloons shall close their bars on election days during voting hours, under penalty of a fine of fifty dollars, and three months imprisonment in common gaol, in default of payment.” Hotels and taverns to be closed on election days.

22. Section 3 of the act 49-50 Victoria, chapter 47, is repealed. 49-50 V., c. 47, s. 3, repealed.

23. Section 46 of the act 44-45 Victoria, chapter 75, is replaced by the following: 44-45 V., c. 75, s. 46, replaced

“**46.** The town council shall meet in general session on every Wednesday in each month. In case of any of such days be holidays, such session shall take place on the first juridical day next following. The town council, at such sessions, may proceed to the transactions of the affairs of the town. General sessions of the council.”

2. The council shall hold their sittings in the town hall, or in any other place which shall have been set apart for that purpose, by resolution, either temporarily or permanently.” Where sittings are held.

24. Section 56 of the act 44-45 Victoria, chapter 75, is replaced by the following: Id., s. 56, replaced.

“**56.** The council may appoint committees, composed of as many of its members as it shall judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties. Council may appoint committees.”

Duties of committees.

2. These committees shall render account of their labors, and their decisions, by reports, signed by their chairman or by a majority of their members.

Estimates of expenditure to be submitted to council, &c.

3. The committees shall, at the first session of the council, after the homologation of the roll, submit an estimate of their expenditure. No committee shall expend more than the amount appropriated to it, without the approval of the council."

Id., s. 73, replaced.

25. Section 73 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Persons disqualified for municipal offices.

" **73.** The following persons shall not be appointed by the council to, nor shall continue to fill, municipal offices :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious creed ;
3. Members of the Privy Council ;
4. The judges of the Court of Queen's Bench, of the Superior Court, and of the Court of Vice-Admiralty, district or police magistrates, and sheriffs ;
5. Officers on full pay of Her Majesty's army or navy, and the officers or men of the provincial police force ;
6. Keepers of taverns, hotels or houses of public entertainment."

Id., s. 80, replaced.

26. Section 80 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Appointment of secretary-treasurer ;

" **80.** The council, at its first session in the month of July following the coming into force of this act, shall appoint a secretary-treasurer, who shall remain in office during pleasure of the council ;

Appointment of two officers.

2. The council may name, to fill this office, two officers, one of whom shall be the clerk, and the other the treasurer, and the respective duties, powers and functions of such two officers shall be determined by the council ;

Appointment of assistants.

3. Each of such officers may appoint, over his signature, an assistant to aid or replace him in the exercise of his office, and nothing shall prevent such two officers, or each of them, from appointing the other as his assistant, with the approval of the council in all cases."

Id., s. 81, replaced.

27. Section 81 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Duties of secretary-treasurer.

" **81.** The secretary-treasurer shall be the custodian of all the books, registers and archives of the council ; he shall attend all sessions, and shall enter and countersign all the proceedings and deliberations in a register kept for that purpose, to be called the "minute-book" ; and he shall be

bound, during the days and hours of office, to give communication of all his papers and documents to the mayor, councillors, officers of the town council, and to all persons interested therein; and every copy or extract of any documents or papers, certified by such secretary-treasurer, shall be evidence before all courts of justice."

28. Section 82 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 82, replaced.

" **82.** The secretary-treasurer shall furnish, for the amount fixed by the council, two sureties, whose names shall be approved by a resolution of the council, before the security bond shall be received. Such sureties shall be jointly and severally bound, together with the secretary-treasurer, and their obligation shall extend to the payment of all sums of money for which the secretary-treasurer may, at any time, be accountable to the corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office. Security of secretary-treasurer.

2. The council may accept, in place of sureties, a guarantee company, or hypothecary security."

29. Section 95 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 95, replaced.

" **95.** No person shall have the right to have his vote registered, for the candidate in his ward, unless the name of such person shall be inscribed on the list of the electors for the ward in which such person is qualified. No person can vote unless name on the list.

For annual, general, or partial elections for mayor and councillors, the secretary-treasurer shall, within the fifteen days immediately following the last day allowed to municipal electors to qualify themselves as such, as regards payment of their municipal taxes, or assessments or other municipal rates, be obliged to make a copy of the list for each ward, and he shall strike out from this copy the name of any elector who, according to the collection roll of such town, then in force, shall not have, on or before the said day, paid his municipal taxes and water rates; and such copies of lists so corrected shall be sent to the various presidents of election for each ward of the town before the day of the nomination; Copies of lists in certain cases.

2. The secretary-treasurer shall certify under oath, to be taken before the mayor, or any councillor, or any justice of the peace for the district of Montreal, the accuracy of the corrections made by him on the copies of the said lists, and such copies shall alone be used for the municipal elections; Oath as to correctness of lists and corrections.

3. Provided that any municipal elector whose name has been struck, and who shall present himself to vote, being the bearer of receipts or official certificates, stating that all Proviso.

his municipal taxes and water rates have been paid at the proper time, shall have the right to vote on taking the oath provided by section 29."

Id., s. 96, re-
placed

30. Section 96 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Appointment
of auditors.

" **96.** At the first general meeting of the month of June, two persons, conversant with book-keeping, shall be appointed by the council, to be auditors of the accounts of the town corporation ; and such auditors shall take the following oath, before the mayor or one of the councillors of the town of Longueuil :

Oath.

' I,....., having been appointed to the office of auditor of the town of Longueuil, do hereby swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability : So help me God.' "

Id., s. 98, re-
placed.

31. Section 98 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Duties of
auditors.

" **98.** It shall be the duty of the auditors to examine, approve, or disapprove of, or report upon all accounts which may be entered in the books of the said corporation or concerning the said council, and which may relate to any matter or thing under the control of or within the jurisdiction of the said corporation, and be thus unsettled."

Id., s. 99, re-
placed.

32. Section 99 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Appointment
of assessors
and their
duties.

" **99.** The town council shall appoint every year, at one of its sessions of the month of April, three assessors, whom the said council shall have the power to replace when needed ; and it shall be the duty of the said assessors to make, between the first day of May and the fifteenth day of June, in each year, and in the manner prescribed by the council, the valuation of the rateable and non-rateable properties in the town, and that, distinctly as to each category, according to the real value thereof, and it shall be their duty to enter on the said roll the names of the tenants and occupants and the amount by them paid for rent for the month of August and also the annual value of their occupation. They shall further inscribe in the said roll all other information required by the council."

Id., s. 101, re-
placed.

33. Section 101 of the act 44-45 Victoria, chapter 75, is replaced by the following :

"**101.** The assessors shall be proprietors of real estate in the town of the value of at least four hundred dollars, and shall be able to read and write." Qualification of assessors.

34. Section 102 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 102, replaced.

"**102.** In order to be assisted in the exercise of their duties, the assessors shall require the services of the secretary-treasurer, and if the secretary-treasurer is prevented from so doing, of any other person the council may deem proper." Assistance to be given to assessors.

35. Section 103 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 103, replaced.

"**103.** When the assessors shall have made and completed the valuation roll, they shall deposit the same with the secretary-treasurer, and notice of such deposit shall be given, within two juridical days next following, by the secretary-treasurer, in the same manner as for the deposit of the lists of the municipal electors; such notice shall further state that the valuation roll shall remain, during the period of ten days, from the date of the deposit, open for inspection." Deposit, &c., of valuation roll.

2. During that period, any rate-payer may give notice in writing to the secretary-treasurer of his intention to appeal to the council, complaining of the valuation roll, such notice shall state clearly the subject of such complaint; and the council shall proceed in the following manner to homologate the roll, and to the hearing of complaints made relating to it. Complaints against roll

3. At its first meeting after the ten days above mentioned, the council shall hear the complaints relating to such roll. If, from the nature of such complaints, or any of them, the council deems it necessary that special notices be given to the persons to whom such complaints relate, such council shall adjourn its proceedings on such homologation for a period not exceeding eight days, and shall direct its secretary-treasurer to give each person, whom it shall designate, a special notice informing him of the existence and nature of the complaint filed against him, or in his favor, relating to the valuation roll, and of the place, day and hour when such council shall commence the examination and revision of such roll. The proceedings, in connection with the service of such notice, shall be the same as those provided for, with relation to the examination and revision of the list of municipal electors. Hearing of complaints.

4. The council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor, pro-mayor or presiding councillor, shall confirm or alter the valuation roll, as shall seem just. Decision of council.

Assessors may be heard.

5. The assessors shall have the right to be heard, if they so desire.

Revision, &c., of the roll.

6. The council shall, at all events, proceed to the revision, amendment, if such be required, and homologation of the valuation roll, whether the same be demanded or not, at its session next following the expiration of the ten days above mentioned, and it shall have the right to rectify all involuntary defects in the wording of the roll.

Closing of the roll.

7. When the council shall have so revised the roll, it shall be declared closed for the current year, provided also, that if any omission shall have been made in the valuation roll, the council may, at any time, order the assessors to value any property so omitted, in order to its being added to the roll."

Id., s. 53, replaced.

36. Section 53 of the act 44-45 Victoria, chapter 75, is amended, by adding the following words thereto :

Pro-mayor.

" The pro-mayor shall be replaced every four months."

Id., s. 142, replaced.

37. Section 142 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Power to amend by-laws :
For water-works ;

" **142.** Amend existing by-laws, and make all by-laws which it may think proper for the maintenance, improvement, enlargement, alteration or removal of the system of water-works now in existence or of part of the same, within the limits of the town, and beyond the said limits ;

To punish persons fraudulently taking water ;

2. Provide for the punishment of the persons who shall fraudulently take water from the water-works ; provided that the fine imposed shall not exceed twenty dollars for each offence over and above the costs ;

For establishing system of lighting ;

3. Establish a system of lighting, by electric light, by gas, or by both together, to light its streets, public squares, roads, and public buildings ;

For furnishing light to inhabitants.

4. Provide for the furnishing, upon being paid therefor, of electric light or gas, or both together, to the inhabitants of the town, as well as to all other persons residing without the limits of the said town, who shall not, however, be obliged to take the said light, it being voluntary on their part ;

To supply neighboring municipalities with water.

5. Supply water to adjacent municipalities and do all the necessary works in consequence thereof, within and without the limits of the town.

Powers under this section, how exercised.

All the powers conferred upon the council by this section, with the exception of that mentioned in paragraph 2, can be exercised only by by-laws submitted for the approval of electors who are real estate owners."

38. Section 9 of the act 49-50 Victoria, chapter 47, is ^{49-50 V., c. 47,} replaced by the following :
s. 9, replaced.

9. To establish one or more market-places, and to enlarge the same ; Establishment of markets.

2. For determining and regulating the duties of the clerks of the markets, and of all persons they may deem proper to employ to superintend the markets ; for leasing the stalls ; for fixing and determining the duties to be paid by any person selling or offering for sale, on any of the markets, any provisions or produce ; and for regulating the conduct of all such persons in selling such articles ; Regulating duties of clerks.

3. For regulating and placing all vehicles, in which any articles shall be exposed for sale, on the said market or markets ; Regulating vehicles on markets.

4. To authorize and regulate the establishing of private stalls, outside of all public markets places, for the sale of meat, provisions, produce or any other articles which are generally sold upon the public markets ; provided such private stalls shall be situated at a distance of not less than six hundred feet from such public market place, which said distance shall be measured upon the public highway, and to grant to the council the right to impose upon each such private stall a tax not less than forty dollars, nor more than sixty dollars." Authorizing private stalls, &c.

39. Section 10 of the act 49-50 Victoria, chapter 47, is ^{Id., s. 10,} replaced by the following :
replaced.

10. To assess proprietors of lots, situate on any street or on any specified portion thereof, for such sums as may be deemed necessary for the making or repairing the common sewer in any of such streets or in any specified portion thereof, in such manner as may be specified and determined by the by-laws, and to regulate the method of collecting such taxes and assessments, and authorize the council to order a special valuation for that purpose, if necessary ; provided, always, that the council shall not assess the proprietors in any street or any specified portion thereof for the making or repairing of such sewers, unless one third in number of the proprietors, in such street or specified portion thereof, have asked for such works and assessment, or unless the council be compelled to construct such sewers on the requisition of the Board of Health of the Province ; provided, also, that it shall be lawful for the council to aid in the construction of such works in the proportion of not more than one fourth of the total cost thereof. Nevertheless, the council shall pass a by-law to determine the manner of asking for the construction of sewers, and shall apportion the costs of construction upon the persons whom it may consider interested in such work." Assessment for repairing, &c., drains.

44-45 V., c. 75, s. 181, replaced. **40.** Section 181 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Regulate, &c., certain unhealthy factories, &c. **“181.** To regulate or to prohibit the erection, use or working, in the town, of unhealthy, unwholesome, dangerous and obnoxious factories or establishments, and amongst others soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on, or of lime kilns, of bone-boiling or bone-burning establishments, or of any oil or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, slaughter-house, butchery, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works factory, friction-matches factory, chemical works, alcohol rectifying establishment, and all other factories and work-shops of any kind whatsoever, the working of which may endanger the public health or safety ; and to prevent the working of the establishments at present existing in the town ; provided that such establishments are not conducted in accordance with the provisions of any by-law of the town.”

Id., s. 211, replaced. **41.** Section 211 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Council may contract loans and issue debentures, &c. **“211.** It shall be lawful for the council to contract loans by issuing bonds or debentures signed by the mayor, countersigned by the secretary, and sealed with the seal of the corporation, payable to the bearer thereof, at such periods as the council may think proper to fix, and such bonds or debentures shall bear interest, payable semi-annually or annually, and at a rate not exceeding six per cent ; and coupons for the amount of the semi-annual or annual interest thereon, may be annexed to all such bonds or debentures ; which coupons being signed by the mayor and countersigned by the secretary-treasurer, shall be payable respectively to the holder thereof, when and immediately after the semi-annual or annual interest therein mentioned shall become due.

R.S., art. 4526, not to apply. Article 4526 of the Revised Statutes shall not apply to the town.”

Id. s. 212, amended. **42.** Subsection 2 of section 212 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Approval how expressed. **“2.** Such approval shall be expressed in a public meeting presided over by the mayor, or, in his absence, by the pro-mayor, the secretary-treasurer acting as secretary, and duly called by notice, signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public

notice required by the provisions of this act, for the publication of by-laws; provided, always, that ten qualified municipal electors may demand a poll." Proviso.

43. Section 13 of the act 49-50 Victoria, chapter 47, is replaced by the following: 49-50 V., c. 47, s. 13, replaced.

"**13.** No person shall cut and take ice on the river opposite the town unless he has previously obtained a written permission from the inspector with the authorization of the council, and such person shall, in such case, surround the place where he cuts ice, so as to prevent all danger; and if he neglects so to do, the inspector may cause the necessary work to be done at the expense of the person in default, who may further be condemned for each offence to a fine not exceeding twenty dollars and costs, and in default of payment of the fine and costs, to an imprisonment not exceeding one month. License required to cut ice on river.

The corporation shall have the right to charge a sum not exceeding ten dollars for every permit so granted." Price of such license.

44 The following section is added after section 238 of the act 44-45 Victoria, chapter 75: Section added after 44-45 V., c. 75, s. 238.

"**238a.** If any person claims or pretends to have been injured by any accident or casualty, for which he intends to claim damages or compensation from the town, he shall, within sixty days from the date of such accident or casualty, give a notice to the town of such intention, containing the particulars of his claim, and stating his own domicile; failing which, the town shall be relieved from all responsibility for any damages or compensation caused by such accident or casualty, any article or provision of the Civil Code to the contrary notwithstanding. Notice of suit to be given in actions of damages.

2. All actions, suits or claims against the town, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by one year from the day on which the right of such actions, suits or claims originated, any article or provision of the Civil Code to the contrary notwithstanding." Prescription of such suits.

45. The following sections are added after section 257 of the act 44-45 Victoria, chapter 75: Sections added after 44-45 V., c. 75, s. 257.

"RECORDER'S COURT.

"**258.** There shall be in the town of Longueuil, if the council so decides by by-law to that effect, a court of record, Recorder's Court.

to be called the "Recorder's Court of the town of Longueuil," and thereupon all the following provisions of this act shall apply thereto.

By whom to be held. " **259.** The said court shall be held by the recorder, to be appointed as hereinafter provided.

Jurisdiction: " **260.** The said court shall have exclusive jurisdiction and shall hear and determine summarily :

Collection of taxes; " **261.** Any action brought by the corporation of the said town, for the recovery of any sum of money due to the said corporation, for any tax, assessment, impost or duty whatsoever, lawfully imposed by any by-law now in force in the town, or that may hereafter be passed by the council of the town ;

Rent of stalls ; " **262.** Any action for the recovery of any sum of money due to the said corporation for the rent, use, or occupation of any butcher's or huckster's stall, or other stall or stand whatsoever, in or upon any of the public markets, or elsewhere in the town, in virtue of any by-law now in force, or to be hereafter passed by the council of the town ; or for any tax, duty or impost, now, or to be hereafter imposed and levied in and upon the public markets or private butchers' stall in the town ;

Water rates, &c. " **263.** Any action for the recovery of any water rate, or any sum of money whatsoever that may be due and payable to the corporation for any supply of water given or furnished from the Longueuil water-works, to any house or building, or given or furnished to or for the use of any person in the said town ; or for the introduction of any pipe or pipes from the said works into any house or building in the said town, at the instance or for the use or benefit of any person in the said town ;

Wages of servants. " **264.** Any action for the recovery of wages or pay due to servants, journeymen or laborers employed by the day, the amount of which shall not exceed twenty-five dollars.

Powers for such purpose. " **265.** The said court and the said recorder shall have and exercise, for this purpose, all the powers and jurisdiction granted in this respect by law to the Superior or Circuit Courts, or to the judges thereof.

Concurrent jurisdiction with the Circuit Court, in certain cases. " **266.** The said Recorder's Court shall also have concurrent jurisdiction with the Circuit Court, or with any judge of the Superior Court in the district of Montreal, as to matters between lessors and lessees, and may act in

virtue of article 873 of the Code of Civil Procedure, the act concerning lessors and lessees, and of the legislative provisions amending the same, in the same manner and with the same formalities as the said Circuit Court, or any of the judges of the said Superior Court, is directed to proceed in and by the above last cited act, as regards the ejection of the lessee for deterioration of the premises leased, or for refusing or neglecting to pay his rent, or for using the premises leased contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired.

The Recorder's Court shall have and possess, to that end, ^{Powers of the court.} all the necessary powers and authority, including that of issuing writs of summons, execution and possession, and may fix and determine the costs to be paid by the losing party, which costs however shall not include any attorney's fees; provided, always, that the competency of the Recorder's ^{Proviso.} 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 real estate situate within the limits of the town; and the law-stamps, which would require to be affixed to ^{Stamps.} proceedings of the nature of those mentioned in this section in the Circuit Court, shall be affixed to such proceedings before the Recorder's Court.

" **267.** The said court may take cognizance of and ^{Offences against this act.} determine in a summary manner, all offences against the provisions of this act, and also :

" **268.** Any suits for the recovery of fines or penalties ^{Recovery of fines, &c.} imposed in virtue of any act or by-law now in force in the town, concerning the markets in the town, or any suit for the recovery of any fine or penalty imposed by this act or by 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.

" **269.** Articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, ^{Application of certain provisions of the Code of Procedure.} 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and articles from 615 to 631, inclusively, of the Code of Civil Procedure of Lower Canada, as amended by subsequent acts, shall apply, *mutatis mutandis*, as the case may be, to the Recorder of the town of Longueuil and to the Recorder's Court.

" **270.** The delay upon summons in the case of seizure by ^{Delay upon saisie-arret after judgment.} garnishment after judgment shall be the same as that in ordinary civil actions issued by the Recorder's Court.

- When and where court to sit. “ **271.** The said court shall, for the purposes aforesaid, be held from time to time, as occasion may require, in the town hall, or in such other place in the town, as shall be set apart for the purpose, by the council of the town.
- Qualification of recorder, &c. “ **272.** The recorder shall be an advocate of the Province of Quebec, of at least five years standing, and shall be appointed by the Crown during pleasure; he shall be *ex-officio* a justice of the peace, in and for the district of Montreal;
- Salary. His salary shall not be more than five hundred dollars per annum, and shall be payable monthly out of the funds of the town; and the office of recorder shall not prevent an advocate from practising in any court of justice other than the said Recorder’s Court, any provision of the law to the contrary notwithstanding.
- May practise in other courts.
- Deputy recorder. “ **273.** 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 Recorder’s Court, appoint some fit and proper person, to be his assistant and act as his deputy in the event of his illness or necessary absence from the town; and any such nomination and appointment may, from time to time, be revoked, and again made by such recorder, as circumstances may seem to require.
- Jurisdiction of such deputy recorder. “ **274.** Every 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 thereof as aforesaid, until the revocation thereof, have and possess all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the recorder for the town, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid; provided, nevertheless, 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 of the said town be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.
- Proviso.
- Powers in event of death of recorder. “ **275.** In case of the death of the recorder, the said deputy shall act as such until the Lieutenant-Governor shall have appointed a recorder in accordance with the law.
- Clerk of the Court. “ **276.** The secretary-treasurer of the town of Longueuil shall *ex-officio* be the clerk of the Recorder’s Court.
- Appointment of clerk. “ **277.** The said clerk may, from time to time, by an instrument under his hand and seal, to be acknowledged by

him before the recorder, and duly deposited and filed in the office of the Recorder's Court, and entered in the register thereof, appoint a fit and proper person, to be and act as his deputy in the discharge of all and every his duties as clerk of the Recorder's Court, and may remove any person so appointed, and appoint another in his stead. ^{Appointment of deputy.}

“ **278.** So long as he holds office, the said deputy shall fulfill all the duties imposed and shall be invested with all the powers conferred, by this act, on the clerk of the said court. ^{His duties.}

“ **279.** The clerk of the Recorder's Court shall prepare and make out all summons, orders, writs and warrants whatsoever, which shall be issued by the said court. ^{Clerk to prepare writs of summons, &c.}

“ **280.** He shall conduct, on behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are the corporation of the town of Longueuil, all cases and suits cognizable by and within the jurisdiction of the court, except in cases where the corporation shall deem it expedient to appoint an attorney, or to associate him with counsel. ^{Conduct prosecutions, &c.}

“ **281.** The clerk and his deputy shall respectively 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. ^{Oath of clerk and assistant.}

“ **282.** He shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court. ^{Registers and entries therein.}

“ **283.** It shall not be necessary for the clerk of the Recorder's Court 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 duly kept by the said clerk, wherein shall be set forth in the first case, the name of the defendant, the nature of the debt, the date of the judgment, and, in the second, the nature of the offence, the penalty and the date of conviction; and the notes of proceedings, noted in the original summons or plaint, shall be sufficient evidence thereof; provided, that in cases when the defendant requests, prior to the hearing of the case, to have the proceedings entered as heretofore, the above provisions shall not apply. ^{Registers how kept.}

“ **284.** In the event of the death of the clerk, the deputy-clerk shall continue to act as such, until another clerk shall have been appointed by the council. ^{Duty of assistant in event of death of clerk.}

Writs to be in Her Majesty's name.

“ **285.** Every summons, order, writ or warrant of any nature whatsoever, issued out of or by the Recorder's Court, shall run and be in the name of Her Majesty, her heirs or successors, and shall be signed by the clerk of the said court.

Certain complaints need not be in writing.

“ **286.** In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the town, for an offence against the provisions of this act, or of any by-law now in force, or which shall be in force in the town, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the Recorder's Court, by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

Exception.

“ **287.** If such person demands that the complaint be reduced to writing, the court shall direct the clerk to reduce the said complaint to writing.

Power of court to summon offenders.

Contents of summons and service thereof.

“ **288.** The court may, by writ as aforesaid, summon any person accused of any offence against the provisions of any act or by-law, rule or order as aforesaid, or from whom any sum of money is claimed, for any of the causes aforesaid; and such writ of summons shall set forth the grounds of the action or complaint, in a succinct and explicit manner, and shall be served upon the defendant, by a bailiff or constable, as hereinafter provided, by leaving a certified copy of such writ, either with the defendant personally, or at his domicile, speaking to some reasonable member of the family of the defendant; but no service shall be valid if made after seven of the clock in the afternoon.

Delays on summons in civil matters.

“ **289.** In civil actions, 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.

Default to appear.

“ **290.** If any person, summoned to appear before the Recorder's Court, either for any debt or claim, or for the commission of any offence, as aforesaid, does not appear either in person or by attorney, then, upon proof of the service of the summons, proceedings by default shall be taken against such person, and upon proof by the plaintiff of the allegations of the action or complaint, the court shall render the proper judgment in the matter, adjudicating also as to the costs.

Appearance of defendant, &c.

“ **291.** If the defendant appears, the court shall cause the plea, put in by him to the action or complaint, to be entered; it shall hear the witnesses produced by the parties, and shall decide in conformity with law and justice.

“ **292.** If the defendant confesses judgment, either in person or by attorney, the court, if the confession of judgment is accepted by the plaintiff, shall cause the judgment to be entered in conformity with such confession; in case of prosecution or complaint for any offence against the provisions of any act or by-law as aforesaid, if the defendant pleads guilty, the court shall declare the defendant convicted. Confession of judgment.

“ **293.** The court may grant a delay of not more than two months to any defendant who confesses judgment, after the return of the action brought against him. Delay on confession.

“ **294.** The court shall have power to compel witnesses to appear in any action, prosecution, or complaint, pending before the said court, and answer all legal questions put to them in the same manner as is done in the ordinary courts of civil jurisdiction in this Province. Power to compel attendance of witnesses, &c.

“ **295.** The court may permit and require interrogatories upon articulated facts, or the decisory or judicial oath, to be put to any party to a cause, in all cases in which such interrogatories or oaths are allowed by law in the ordinary courts of civil jurisdiction. Interrogatories, submitted by court.

“ **296.** The court shall also have power to compel the execution of any writ, order, warrant, or summons, issued as aforesaid, by the said court, and to that end it shall be invested with all the powers and authority enjoyed in that respect by the ordinary courts of civil jurisdiction. Power for execution of writs, &c.

“ **297.** In all civil actions, the 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. Evidence.

“ **298.** In any civil action or proceedings, or in any prosecution or complaint for any offence committed against any by-law of the town, or against the provisions of any of the acts hereinbefore cited, any member of the council of the town, or any employee, officer or servant of the corporation, shall be a competent witness; provided he has no direct interest in the result of such action, prosecution or complaint, or is not incompetent from any other cause. Competency of certain persons as witness.

“ **299.** Any assessment, tax, duty or sum of money due to the corporation, as aforesaid, any penalty or fine which may be claimed or sued for in the court, shall be recoverable. One witness sufficient.

on the oath of one competent witness ; and any person, accused in the court of any offence within the cognizance of the said court, may also be condemned on the oath of one credible witness.

Deposition need not be in writing. “**300.** The deposition 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.

Order in court. “**301.** The court shall cause order to be maintained during its sittings, and may punish, by fine or imprisonment, any person guilty of contempt of court during the sittings and in the presence of the court.

Bailiffs. “**302.** The council of the town shall appoint, from time to time, by resolution, a sufficient number of persons competent to fulfill the duties of bailiffs of the Recorder’s Court, and the council may dismiss such persons at any time, and appoint others in their stead.

Commissions to bailiffs. “**303.** Upon such appointments being made, the mayor of the town shall issue commissions, appointing such persons bailiffs of the court, under the seal of the town, and signed by himself and by the clerk of the town.

Oath of bailiffs. “**304.** Every such bailiff shall take an oath of office before the Recorder’s Court.

Bailiffs’ returns, &c., in civil cases. “**305.** Every bailiff, the bearer of a writ of summons, or writ of execution, or any other writ issued out of the court, shall make return, under his oath of office, of all proceedings taken by him in relation to said writ, and such return shall suffice for all lawful purposes.

Proof of service of complaints, &c. “**306.** The service of any summons, in case of prosecutions for offences, as above mentioned, shall be proved in open court by the bailiff, constable, or peace officer, who shall have made such service, and the services of summons upon witnesses, or of any other order of the court requiring to be served, shall be proved in the same manner.

Execution of judgments. “**307.** The execution of any judgments rendered in any civil action, as above mentioned, shall be levied by the seizure and sale of the goods, moveables and effects of the defendant.

Delay before execution. “**308.** No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered.

“**309.** The bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale, in the manner prescribed and practised in cases of seizure and sale under execution, issued by any ordinary court of civil jurisdiction subject, however, to the provisions contained in articles 4549 and 4550 and following of the Revised Statutes. Proceedings upon seizure and sale.

“**310.** 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 not make any seizure, and, upon production to him of the minutes of the said 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 goods already seized, writ to be deposited with other officer.

“**311.** The delivery of the said writ of execution shall have the effect of an opposition for payment and shall be sufficient to secure to the corporation, by privilege (in cases in which such privilege exists), the payment of the sum due, including principal, interest and costs. Effect of deposit of writ of execution.

“**312.** If the defendant does not possess any goods or chattels within the district of Montreal, or in case they are not sufficient to satisfy the amount of the judgment obtained, or if, after the sale of the said goods and chattels of the defendant, a balance on such judgment still remains due to the corporation, in all such cases, if the sum due exceeds fifty dollars, and the defendant possesses any immoveable property, lands or tenements within any district, then the Recorder's Court may ask the Superior Court by a *fiat* for the issue of a writ of execution, which shall be executed as if such judgment had been rendered by the said Superior Court. Seizure of real estate in certain cases.

“**313.** All ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary to the execution thereof, as well with regard to the plaintiff and defendant, as with regard to other parties, who in due course of law may intervene, by opposition or otherwise, shall be had in the Superior Court, in the same manner as if the action had been originally brought and determined in the said court. Subsequent proceedings, before Superior Court.

“**314.** The Recorder's Court may issue writs of attachment 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 attachment. Issue of and proceedings upon writs of attachment.

How fines are recovered.

“**315.** The recovery of all fines adjudged in the Recorder’s Court shall be proceeded with, in pursuance of the by-law imposing such fine, by writ of execution against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be; and such writ and warrant shall be issued in the manner above stated.

By-law, &c., need not be recited in suits, &c.

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

Tariff of fees for clerks and bailiffs.

“**317.** The council may make and establish a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the tariff, from time to time; but neither the tariff, nor any of the changes made therein, shall have force and effect, until the same shall be approved by the Lieutenant-Governor in Council.

When court may sit.

“**318.** The Recorder’s Court may be held and may sit as many times as it may be necessary each day without previous notice, and may fix any time for the summary hearing and determination of offences committed by any person against the provisions of any act or by-law now in force, or that may hereafter be in force in the town; and for summarily hearing and determining the case of any vagrant, loose, idle, or disorderly person, and other offenders arrested by, or in charge of, the police of the town, or the case of persons arrested on view, or immediately after the commission of any offence, within the jurisdiction of one or two justices of the peace.

Persons arrested to be brought before the court.

“**319.** The police of the town, or any other constable or peace officer may bring before the Recorder’s Court, or before the recorder, any person offending, as aforesaid, against the provisions of the acts or by-laws aforesaid, and any vagrant, loose, idle, or disorderly person, and any person arrested, as aforesaid, to be then and there dealt with according to law, as the Recorder’s Court or the recorder may judge and determine.

Punishment to be proportioned to offence.

“**320.** The Recorder’s Court shall have 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 town.

Council may proceed by summons or warrant.

“**321.** The council, in all cases of offences for the commission whereof a fine or imprisonment is imposed by any

by-law of the council, 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.

‘ **322.** All fines, imposed by this act, or by the provisions of any by-law of the town council, which now is, or may hereafter be in force in the town, shall be recovered before the Recorder’s Court, with costs, by immediate payment of the said fine and costs, and, in default of immediate payment of the said fine and costs, the person against whom the judgment shall have been rendered, shall be imprisoned in the common gaol of the district of Montreal, for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment.

All fines incurred may be recovered before the court.

“ **323.** In all cases in which a fine has been incurred by a corporation, company, or society recognized by law, such fine and costs shall 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 court, and proceedings shall be had upon the writ in the manner prescribed for seizure and execution in civil matters.

If fine incurred by corporation, &c.

‘ **324.** Any joint-owner or occupant of any lot, house, building or other real property in the town, complained of for violation of any by-law of the council now or hereafter to be in force, bearing upon such joint-owner or co-occupant, or upon the lot, house, building or other real property in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence of what nature soever against the provisions of any by-law of the council, may be sued alone or conjointly with his co-owners or co-occupants, in the Recorder’s Court, as may be deemed advisable, as also any agent of the said joint-owner or occupant; and in the suit to be instituted, it shall be sufficient to mention the name of such joint owner, or co-occupant, or of such agent, with the addition of the words “and others”; and the oral testimony of such ownership and occupancy, whether sole or joint or of such agency, shall be deemed sufficient, any law, usage or custom to the contrary notwithstanding.

Proceedings against joint-owners, &c.

“ **325.** The corporation or any municipal elector may institute any proceedings for that purpose in the name of the town, as provided in the next section.

Who may sue.

“ **326.** Any action instituted by the corporation in virtue of this act, or any act or by-law relating to the town, for

Suits to be in name of town.

the recovery of any tax, duty or assessment or of any fine, shall be brought in the Recorder's Court, or in any other court of justice having jurisdiction, in the name of the town.

Application of fines. " **327.** All fines, sued for and recovered in the Recorder's Court, under and by virtue of this act, or any other act or statute now in force or to be hereafter passed in relation to the town, shall belong to and form part of the general funds of the town, unless otherwise provided in such statute.

Remission of fines. " **328.** To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the town, as well as the costs of the suit occasioned by the prosecution for the said fine.

How remitted. " **329.** This remission shall be 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, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine; the said petition shall be presented by the person asking such remission, and not otherwise.

Penalty for infringing previous sections. " **330.** Any member or officer of the council, who shall infringe the provisions of any of the two next preceding sections, shall incur a fine not exceeding twenty dollars for each offence.

Remission otherwise null. " **331.** Any remission of any fine or costs, in violation of the provisions of this act, shall be considered as null and of no effect.

Where imprisonment is to be. " **332.** Whenever, in the present or any other act relating to the town, or in any by-law, rule or order, as aforesaid, imprisonment is imposed, such imprisonment shall be presumed and held to be in the common gaol of the district of Montreal.

Costs. " **333.** The Recorder's Court may use its discretion in awarding or withholding costs, or in ordering each party to pay his own costs.

Formalities that need not be alleged. " **334.** In any action, proceeding or complaint by the corporation, it shall not be 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 shall be presumed, until proof to the contrary be shown.

“ **335.** In all cases where, in any action or summons in civil or penal matters, there shall be variance between the allegation and the proof relating to the Christian or surname, the addition, description, or residence of any person mentioned in such action or summons, or to any other fact alleged in such action or summons, the court may, at any time, before, during, or after the *enquête* or before judgment, upon application 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.”

Amendment
of suit, &c.,
in certain
cases.

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

Coming into
force.

C A P. L V I I .

An Act to amend the charter of the town of Maisonneuve.

[Assented to 27th February, 1893.]

WHEREAS the town of Maisonneuve has, by its petition, prayed for the passing of an act to amend its charter, and it is expedient to grant its prayer;

Preamble.

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

1. Subsections 2 and 3 of section 7 of the act 51-52 Victoria, chapter 89, are replaced by the following:

51-52 V., c. 89,
s. 7, amended.

“ 2. To regulate the construction, dimensions, and height of the chimneys above the roofs, or even, in certain cases, above the neighbouring houses and buildings, and authorize the building inspector to regulate within what delay, by whom and in what manner they shall be raised, repaired or built.”

Chimneys.

“ 2a. For the regulation and inspection of the construction and repair of houses, and buildings in the city which are built, are being built, or which may hereafter be built, the mode of constructing them, the materials to be employed, the fire escapes to be placed therein, for the appointment of a building inspector with power to examine the interior and exterior of all buildings, to repair, alter, cause, to be vacated, to isolate or demolish every dangerous building or chimney, and to determine and give to such inspector all the powers necessary for his office; to impose a fine not exceeding ten dollars for each day's delay in complying with the orders of the said inspector, in accordance with the by-laws of the council.”

Construction
of houses, &c.