

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

C A P. L X X X .

An Act to amend the Charter of the City of St. Hyacinthe.

[Assented to 30th December, 1890.]

WHEREAS it is expedient to amend the act 51-52 Preamble.
Victoria, chapter 83, consolidating the acts respect-
ing the corporation of the city of Saint-Hyacinthe and to
confer additional powers upon the mayor and council of
the city of St. Hyacinthe ; Therefore, Her Majesty, by and
with the advice and consent of the Legislature of Quebec,
enacts as follows :

1. Article 7 of the act 51-52 Victoria, chapter 83, is 51-52 V., c. 83,
amended by striking out the last two paragraphs thereof ; s. 7, amended.

2. Article 13 of the said act is repealed and replaced Id. sec. 13, re-
by the following : placed.

“ 13. The following persons of the full age of twenty Qualification
one years and of the male sex are entitled to be inscribed of municipal
on the list of municipal electors of each ward in which electors in
they possess some of the qualifications required, and, when each ward.
so inscribed, to vote at elections held under the provi-
sions of this act, to wit :

1. Every person inscribed on the last assessment roll Owners of
in force, as owner or usufructuary of taxable real estate taxable real
in the said ward of an assessed value of two hundred estate of cer-
dollars or over, or of an assessed annual value of twenty tain value.
dollars or over.

If the real estate belongs undividedly to several owners, Proviso for
each of them has a right to a vote on account of his share, joint owners.
provided the proportion of the assessed value of the real
estate, corresponding to his share, amounts to a sufficient
sum to qualify him as an elector under the present pro-
vision ;

2. The husband separated as to property from his wife, Husbands of
when the latter is owner or usufructuary of real estate wives own-
assessed at the value mentioned in the preceding provi- ing property
sion ; as above.

3. Every person inscribed on the last assessment roll Tenants of
in force, as tenant, paying a rent of at least twenty dollars real property
a year for a property assessed or a part of an immoveable assessed
assessed and who has, *bonâ fide*, occupied as such, during at certain
the six months preceding the election, at a rent of at least value.
twenty dollars, the said property or portion of a property

or several properties or portions of properties, successively and without interruption during the said period.

Proviso as to joint-tenants.

When there are several tenants in common, each of them is entitled to a vote, provided the proportion of the amount of rent assessed and stipulated, corresponding to the share he has to pay, amounts to a sum sufficient to qualify him under this provision.

Residence required in certain cases.

Such tenant or tenants must be resident householders in the premises leased, with the exception of lessees of stores, counting-houses, shops, offices or places of business;

Lessees who have built on property.

4. Every lessee who has built, on the property leased, a house which would be, *bonâ fide*, leased for a sum of at least twenty dollars per annum, provided such property be entered on the valuation roll then in force.

Separate alphabetical lists of voters in each ward to be annually prepared by secretary-treasurer.

“13a Before the fifteenth day of November, in each year, commencing with the year one thousand eight hundred and ninety-one, the secretary-treasurer of the city shall make out separately for each ward, according to the last assessment rolls then in force, an alphabetical list of the persons qualified to vote at the municipal elections in each of such wards, by entering, in as many separate columns, the names and surnames of the electors, their occupation, the street and the official cadastral number of the property qualifying them, and the nature and qualification of each of them.

Correctness of list to be attested on oath.

“13b. Before the same date, the secretary-treasurer shall attest the correctness of the list of the municipal electors so prepared by him, under the following oath taken before a justice of the peace :

Form of oath.

“ I, (*name of secretary-treasurer*) swear that, to the best of my knowledge and belief, the list of municipal electors given below is correct and that nothing has been unduly or fraudulently inserted therein or omitted therefrom. So help me God.”

Deposit of list in his office.

He shall also, before, the first day of December, in each year, deposit the said list in his office, where any interested person may examine the same without charge, or obtain copies of or extracts, therefrom on payment of the prescribed fees.

Board of revisors.

“13c. On the first day of December in each year, or on the following juridical day, if the first be a non-juridical day, the councillors, who do not go out of office at the ensuing election, and the mayor, forming the board of revisors, shall meet in the council room at the hour fixed by the council, with power to adjourn from day to day if necessary, and shall revise the said list under the presidency of

To revise list.

of the mayor and, in his absence, of the revising councillors.

The presiding officer shall vote only when the votes are equally divided. Vote of presiding officer.

The quorum of the board is three. Quorum of board.

Its members shall previously make oath that they will perform their duties impartially. Oath of office.

Such oath shall be taken before the secretary-treasurer, or a councillor who is not a member of the board, and shall be filed in the office of the council. Before whom to be taken.

“**13d.** Every person whose name is omitted from the list of municipal electors for one or more wards or entirely, or is entered erroneously or with a wrong qualification, or every municipal elector entered on the deposited list who considers that the name of any person is omitted for some ward or that the name of any person is entered without being entitled thereto, may, before the twenty-fifth of November, file in the office of the secretary-treasurer a written complaint referring to one or more of such persons. Complaints against list.

When the object of the complaint is to strike off certain names from the said list, it must be accompanied by a certificate by a bailiff of the Superior Court, under his oath of office, to the effect that a copy of the complaint has been previously served upon the persons whose qualification is so contested. Certificate of service to accompany complaint if it seeks to strike off a name.

“**13e.** The complaints mentioned in the preceding article shall specify the nature of the qualifications of the persons whose names are sought to be entered on the list and the causes of disqualification of those whose names are asked to be struck off. What complaints to contain.

Any person interested may take communication of the same without charge, or obtain copies of or extracts from the same on payment of the prescribed fees to the secretary-treasurer. Communication of complaints.

“**13f.** In proceeding to the examination of the list of municipal electors, the revisors take communication of all written complaints duly filed, hear the evidence and the interested parties or their representatives. Proceedings of revisors.

They have the powers conferred upon the council and its committees, by article 38 of the act 51-52 Victoria, chapter 83, as amended by article 8 of this act. Powers of revisors.

They give their decision on each complaint and confirm or correct the list as the case may be. Decisions on complaints.

They can, of their own accord, correct only the wrongly written names and technical or clerical errors which occur in such list. Clerical errors alone to be corrected except on complaint.

Every correction must be entered on the list or on a sheet annexed to it and certified by the presiding officer. Correction to be entered on list, &c.

When revision to be completed.

Deposit of corrected list.

Communication of list.

Certified copies to be authentic.

Revision of list for wards six and seven.

Duty of secretary-treasurer in preparing list.

When complaints to be filed, etc.

Art. 2, to apply.

Fine upon revisors and secretary-treasurer for neglecting duties.

Qualification of voters how established if electors' list not prepared or revised.

Provision not to apply to certain election.

“**13g.** The said revision must be concluded at least ten days before the date fixed for the annual elections.

The list so corrected, signed by the president of the revisors and countersigned by the secretary-treasurer, is final, and shall be deposited, within the same delay, in the office of the latter, who is bound to give communication of it, without charge, to any interested person and to deliver copies thereof or extracts therefrom on payment of the fees specified or to be specified.

Every copy of such list certified by him shall be authentic.

“**13h.** If the first election in the territories which shall hereafter constitute wards six and seven, takes place before the lists of municipal electors are made, the date of the revision shall be fixed by the council at least thirty days before the date selected.

It shall be the duty of the secretary-treasurer to prepare a list of all the persons who, according to the last valuation roll in force in the municipality or municipalities of which they previously formed part, are qualified as municipal electors under this act, and to deposit such list in his office on the eighth day after such decision of the council.

Every complaint against such list must be filed during the four following days, and, on the eighth day after the deposit, the council shall hear the complaints and revise the list which shall be closed and finally deposited at least ten days before that fixed for holding the election.

The provisions of article 2 of this act shall apply to the case above provided for, in so far as there is no special derogation therefrom.

“**13i.** Every revisor and the secretary-treasurer shall, in default of the performance of the duties imposed upon them by the preceding sections, be liable to a fine not exceeding two hundred dollars.

“**13j.** If, for any reason whatsoever, the list of municipal electors has not been prepared or revised, the qualification of persons for voting at the election shall be determined by the assessment rolls, whereof the secretary-treasurer shall be bound to deliver extracts to the deputy presiding officers appointed for the election, in the same manner as he is obliged to deliver copies of or extracts from the election list for the Legislative Assembly.

“**13k.** The above provisions do not apply to the municipal elections of the month of January one thousand eight hundred and ninety one, which shall be held in the man-

ner prescribed by article 13 and following of the act 51-52 Victoria, chapter 83."

3. Article 14 of the said act is amended by adding thereto the following paragraphs : Id. art. 14, amended.

" Nevertheless, no person qualified to vote at the election of the mayor or of one or more councillors, shall have the right to have his vote recorded, unless he has, at least three days before the election, paid the taxes and municipal assessments due by him. Taxes and assessments to be paid before a certain time before voting.

Any municipal elector of the city may exact that every voter produce a receipt for his taxes and assessments, or a certificate attesting the payment thereof before the prescribed date, such receipt or certificate shall be signed by the secretary-treasurer or assistant secretary-treasurer, in default whereof such elector shall not vote." Receipt may be required, &c.

4. Article 21 of the said act is amended by striking out the words " election list", in the first line of the third paragraph thereof, and replacing them by the words " list of municipal electors." Id. art. 21, amended.

5. Article 25 of the said act is amended by striking out the words " election list", in the first line of the third paragraph thereof, and replacing them by the words " list of municipal electors." Id. art. 25, amended.

6. Article 32 of the said act is amended by inserting before the word " electors", in the second line of the second paragraph thereof, the word " municipal." Id. art. 32, amended.

7. Paragraph 23 of article 37 of the said act is amended by striking out the words " three months ", in the second line thereof, and replacing them by the words " fifteen days." Id. art. 37, §23, amended

Paragraph 24 of article 37 of the English version of the said act, is amended by substituting " No. 23 " for " No. 24." Id. art. 37, §24, amended in English version.

8. Article 38 of the said act is repealed and replaced by the following : Id. art. 38, replaced.

" **83.** Whereas, in matters submitted to the council or to its committees, questions of fact may arise, which, in the interests of justice, should be made clear by means of witnesses examined under oath or otherwise, and whereas it may likewise become necessary, in the same interests, to hold investigations into the conduct of their officers in connection with their duties as such, or as to the validity of representations made to the council with respect to matters within its jurisdiction, the council or the committee Power of council and committees to summon witnesses and examine them on oath, &c.

before which such questions have arisen, or any special committee appointed by the council to investigate the same, may cause a *subpcena* signed by the mayor or chairman, as the case may be, to be served upon any person, summoning such person to appear before the council or before a committee to give evidence on the matter in question, summoning him also, if the same be deemed necessary, to produce all papers or documents in his possession having reference to such investigation, provided always that nothing in this provision shall deprive such person of the option allowed him by law in certain cases of refusing to answer or to produce the documents asked for.

Who shall administer oath.

The committee or committees, mentioned in this article, shall administer or cause to be administered the oath to the parties or to the witnesses examined by them, by the chairman of the committee or by the secretary-treasurer.

Penalty for refusing to appear or to answer.

Every person so summoned, who neglects or refuses to appear at the time and place specified in such *subpcena*, or who, after appearing, refuses to take the oath or to reply to the questions put to him or to produce the documents required without an excuse admitted and recognized in law, shall, by reason thereof, incur, on conviction before one or more justices of the peace residing in the city or before the recorder, a fine not exceeding ten dollars and in default of payment an imprisonment not exceeding fifteen days."

Id. art. 45, amended.

9. Article 45 of the same act is amended by adding, in the last line but one, after the word "mayor," the words "the recorder."

Id. art. 65, amended.

10. Article 65 of the said act is amended as follows: The first two paragraphs are replaced by the following:

Annual roll of tenants moveable property, persons and animals liable to taxation to be also made.

"The rolls of tenants, moveable property, persons and animals liable to taxation shall also be made up annually on an order of the council by the person designated by it for the purpose, and shall be deposited, examined, revised and corrected in the manner mentioned in articles 63 and 64 of the act 51-52 Victoria, chapter 83, and in this act."

Id. art. 91, amended.

11. Article 91 of the same act is amended by striking out the following words at the end of the seventh paragraph: "and unless he has paid all his municipal taxes at least three days previous to the time of such voting."

Id. art. 93, amended.

12. Article 93 of the same act is amended by striking out, in the third line of paragraph numbered three thereof, the words "one cent" and replacing them by the words "not exceeding one cent," and

By adding after the word "pedlar", in the fifth line of the last paragraph of the said article, the following words: "or any person residing outside of the city and who comes therein to distribute and sell, from house to house, bread, meat, butter or other produce."

13. Article 133 of the said act is amended by adding Id. art. 133, amended. at the end of paragraph 6 the following :

"For arresting on the spot without a warrant any Arresting persons found in houses of ill-fame, &c. person found in houses of prostitution or of ill-fame or loitering in streets, yards and public places."

14. Paragraph 60 of the said article 133 is repealed Id. art. 133, § 60, replaced. and replaced by the following :

"60. For prohibiting, regulating or authorizing the Prohibiting, &c., storage of gun-powder, &c. storage in the city of gunpowder, petroleum, coal oil, naptha, benzine and other inflammable and explosive substances, and determining the quantity thereof which may be kept therein."

15. Article 172 of the said act is amended by adding Id. art. 172, amended. the following clauses thereto :

"In the absence of the recorder, the clerk may adjourn Adjournment if recorder absent. the court to any other juridical day."

Chapters 176 and 177 of the Revised Statutes of Canada R. S. C., c. 176 and 177 to apply to recorder's court and to the recorder. shall apply to the recorder's court and to the recorder as regards the powers given to every recorder in the Province of Quebec by the said chapters and also to the procedure prescribed therein.

Articles 2781 and following, to article 2820, inclusively, R. S. Q., art. 2781 to 2820 also to apply. of the Revised Statutes of the Province of Quebec, shall likewise apply to the said recorder's court and to the recorder."

16. Article 191 of the said act is amended by adding Id. art. 191, amended. after the word "mayor", in the first line of the third paragraph thereof, the following words "or the clerk of the Recorder's court."

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

CAP. LXXXI.

An Act to amend the act to incorporate the city of Ste Cunégonde of Montreal.

[Assented to 30th December, 1890.]

WHEREAS it is expedient to amend the act of this Pro-Preamble. vidence, 53 Victoria, chapter 70, intituled: "An Act