

judge of the Superior Court at Quebec, for a recount or a new addition of the votes.

" 50b. Such petition shall be supported by an affidavit to the effect that the officer presiding at the poll has improperly received or rejected any ballot-papers at such election, or has improperly summed up the votes. Affidavit in support thereof.

" 50c. The judge, to whom the said petition is presented, shall issue an order specifying the place, day and hour at which he will proceed to examine the ballots, and commanding the city clerk to attend then and there with the parcels containing the ballots used at the election. Judge to fix day, place and hour for recount.

The order shall be served upon the city clerk and upon the candidates interested, two days before the day fixed by the judge as aforesaid. Service of order.

" 50d. At the time and place fixed, the judge shall proceed to recount all the said votes or ballots, to examine the ballots set aside or spoiled, and to verify and correct the counting of the ballots and the statement of the number of votes given for each candidate, and shall deliver all the said ballots, with a certificate of the result of his examination, to the said city clerk who shall declare elected the candidate who shall have received the greatest number of votes according to the judge's certificate." Proceedings by judge at recount.

37. In all cases not specially provided for by this act, the proceedings followed for the election of members of the Legislative Assembly of this Province shall apply *mutatis mutandis* to the elections of members of the said city council. Election act to apply to elections of members of council in cases not specially provided for.

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

CAP. LXIX.

An Act to amend the various acts relating to the corporation of the city of Three Rivers.

[Assented to 2nd April, 1890.]

WHEREAS the corporation of the city of Three Rivers has, by its petition, prayed that certain amendments be made to the act 38 Victoria, chapter 76, and the various acts amending the same; and whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

1. Section 1 of the act 49-50 Victoria, chapter 46, re-placing section 12 of the act 38 Victoria, chapter 76, is replaced by the following: 38 V., c. 76, s. 12 and 49-50 V., c. 46, s. 1 replaced.

Qualification of municipal electors. " 12. Every person is a municipal elector of the city and as such has a right to vote at the municipal elections, who :

Age and sex. 1. Is of full age of majority and of the male sex ;

Residence and taxation. 2. Resides in the city and is taxed according to the valuation or assessment roll or is entered in the collection book and is in possession of immoveable property in the city of the value of at least two hundred dollars, as shown by the said roll or book ;

Tenants. 3. Is in possession, as tenant of immoveable property, has resided and paid in the city during the year immediately preceding the election, for a house or part of a house, a rent of at least thirty dollars per annum, according to the valuation or assessment roll and collection book.

Taxes must be paid before certain date. In order to be entitled to vote at the election of the mayor or aldermen, or for any other object in connection with the affairs of the city, or with respect to the administration and management of such affairs, such person must also have paid, at least thirty days before the date fixed for the election or the meeting at which he has to vote, all municipal taxes and assessments due to the corporation and exigible by it.

Certain persons not qualified to vote. Nevertheless, the permanent officers and employees of the corporation, the constables and policemen appointed and paid by the council, have no right to vote at such elections."

Term of office of mayor and aldermen. 2. The mayor is elected for two consecutive years and the aldermen for three consecutive years.

When they retire. They shall remain in office until their successors enter into office.

Determination of retire of certain aldermen. At least one month before the date of the annual elections of eighteen hundred and ninety, four of the aldermen, who, under the provisions of section 22, were then to go out of office in Notre-Dame and St. Philippe wards, shall draw lots in the manner determined by the city council, and the two aldermen designated by lot, as well as the two aldermen of St. Louis and Ste Ursule wards, whose term of office shall have expired, shall go out of office at the next annual municipal elections (1890) ;

Of certain other aldermen. The two other aldermen remaining after the drawing of lots, shall continue in office until the annual elections of eighteen hundred and ninety-two, when their term of office will expire.

Of certain other aldermen. A new drawing of lots shall also take place at the time and in the manner above indicated between the four aldermen of St. Louis and Ste. Ursule wards, whose term of office will expire at the date of the annual elections of eighteen hundred and ninety-one, to designate two of them, one for each of the said wards, who shall then

retire from office, with an alderman in each of the St. Philippe and Notre Dame wards, whose term of office shall have then expired;

The two other aldermen remaining after the drawing of lots shall remain in office until the annual elections of eighteen hundred and ninety-two, when their term will expire, and they shall then be replaced, as well as the other aldermen whose term of office shall expire or shall have expired, according to the provisions of the present section.

The provisions of section 22 of the act 38 Victoria chapter 76, as replaced by the act 40 Victoria, chapter 51, which are inconsistent with the provisions of this section, are repealed.

3. Section 12 of the act 40 Victoria, chapter 51, is replaced by the following:

"12. The polling shall take place in each of the said wards on the first Monday of July, and shall commence at nine of the clock in the morning, at the place fixed upon by the officer presiding over the said elections, as aforesaid, in a room or building of convenient access, with a door for the admittance of the voters, and having, if possible, another door through which they may leave, after having voted."

4. Section 41 of the act 40 Victoria, chapter 51, is replaced by the following:

"41. Immediately after the close of the poll, which shall be at five of the clock on the afternoon of the said first Monday of July, the deputy presiding officer shall immediately open the box containing the ballot papers, and, 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 and his agents, in the presence of at least three electors, proceed to count the number of votes given for each candidate."

5. Section 63 of the act 40 Victoria, chapter 51, is replaced by the following:

"63. Whoever shall infringe any of the provisions of the preceding section, shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his benefit, by any person who shall sue for the same before the circuit court or district magistrate's court for the district of Three Rivers, or before any other court of competent jurisdiction; and every offender, found guilty in the above mentioned cases, shall be deprived of the right of voting or of being elected mayor or alderman of the said city at the following municipal election."

Retire from office of certain aldermen.

Inconsistent provisions of 38 V., c. 76, s. 22 and 40 V., c. 51, s. 65, repealed.

40 V., c. 51, s. 12 replaced.

Poll when and where to be held.

40 V., c. 51, s. 41.

Summing up of votes by deputy presiding officer, when and where to be made and in whose presence.

40 V., c. 51, s. 63 replaced.

Penalty for infringing provisions of section 62. How and for whose benefit recovered.

Right to vote taken away from offender, etc.

38 V., c. 76, s.
33 replaced.

6. Section 23 of the act 38 Victoria, chapter 76, is replaced by the following :

Election of
pro-mayor.

" 33. At the first meeting of the council in the months of January and July, it shall elect one of its members as pro-mayor, to replace the mayor and perform his duties in case of his absence.

Provisions in
case of va-
cancy in office
of mayor.

In the event of a vacancy in the office of mayor through death, resignation or absence from the sittings of the council during three consecutive months or any other cause, the council shall select one of its members to replace him, and such member shall perform the duties of mayor and assume the title of mayor until the expiration of the term of office of the mayor whom he replaces."

40 V., c. 51, s.
73, as amended
by 45 V., c.
101, s. 11 re-
placed.

7. Section 73 of the act 40 Victoria, chapter 51, as amended by the act 45 Victoria, chapter 101, section 11, is replaced by the following :

Fiscal year.

" 73. The fiscal year in the city of Three Rivers commences on the first day of January and ends on the last day of December, both days included.

Taxes &c.,
to be deemed
for such
period.

The assessments, dues, taxes and contributions imposed and levied each year shall be deemed to be so for such period ; but the council may, by by-law or resolution, specify a period when any other tax or due, imposed by it, shall be exigible and levied.

Proviso.

How certain
assessments
for certain
period shall
be levied and
when.

The assessments, dues, taxes and contributions for the six months between the first of July, eighteen hundred and ninety, and the first of January, eighteen hundred and ninety-one, shall be levied proportionately to such period of time according to the valuation roll which shall be made during the present year at the usual time and in the usual manner, and shall be payable when the secretary-treasurer shall have completed his collection roll according to the provisions of section 103 of the act 38 Victoria, chapter 76, as amended by the act 45 Victoria, chapter 101, section 7.

Valuation roll
to be made
this year to be
basis for col-
lection roll
of year.

The valuation roll which shall be made during the course of the present year, shall remain in force during the year eighteen hundred and ninety-one, and shall serve as a basis for the collection roll during that year only."

40 V., c. 51, s.
74 replaced.

8. Section 74 of the act 40 Victoria, chapter 51, is replaced by the following :

Amount that
may be voted
by council for
expenses of
year.

" 74. The amount voted each year by the council to meet the expenses of the current year, in accordance with section 42 of the said act 40 Victoria, chapter 51, shall not exceed the amount of the receipts of the previous year, added to the balance of such receipts remaining unexpended ; and the council cannot, in any case, pledge the revenues or appropriations of the following year."

Council not
to pledge
certain reve-
nues, &c.

9. Section 65 of the act 38 Victoria, chapter 76, is ^{38 V., c. 76, s. 65 replaced.} replaced by the following :

“ 65. Whenever a by-law shall have been passed by ^{Persons who have a right to vote on by-laws taxing real estate.} the council to tax real estate in the said city, and which shall be subject to the approval or disapproval of the municipal electors of the said city, the proprietors of real estate in the said city, of the value of at least two hundred dollars, according to the valuation roll then in force, shall alone be entitled to vote on any such by-law.

A list of the said proprietors, thus qualified as above ^{List of such electors.} to vote on such by-law, shall be prepared by the secretary-treasurer and shall be posted and revised in the same manner and within the same delays, prescribed by the act hereby amended for the lists of voters at the annual municipal elections of the said city.

Nevertheless, such list shall be made ^{When list to be made.} only in cases when qualified property owners object to the approval of the by-law and where a poll upon such by-law is demanded, in writing, by at least ten of such property owners, at a public meeting presided over by the mayor, and convened in the same manner, at the same place and within the same delays as the public meetings of the municipal electors of the city by the mayor or secretary-treasurer, within the ten days following the passing of the by-law by the council.

When the property owners, present at the said public ^{If property owners do not object to by-law, proceedings thereafter.} meeting, are unanimous in approving the by-law passed by the council and submitted for their approval and when no poll is demanded, the mayor and the secretary-treasurer, the former in his capacity of presiding officer and the latter as secretary of the meeting, shall draw up and sign the minutes of the meeting and report the same to the council at its next session, to be there read and afterwards deposited amongst the archives of the council.

If a poll be demanded on the by-law at the said public ^{How poll to be held, if demanded.} meeting, it shall be held, as above indicated, on the day specified by the council for the purpose.

It shall commence at nine o'clock in the morning and ^{When to commence and end.} be concluded on the same day at five o'clock in the evening.

In order to have full force and effect, the by-law must ^{Majority required for approval.} be approved by the votes of two-thirds in number of the said property owners.

In default of such majority, the by-law is deemed to have ^{If such majority is not received.} been disapproved by the said property owners and is null and void.”

10. Sub-section 1 of section 65 of the act 38 Victoria, ^{38 V., c. 76, s. 65 § 1, replaced.} chapter 76, is replaced by the following :

Conceding lots &c., opening streets in common. Council may concede or give lands in common to aid certain enterprises.

Certain by-law, giving certain land out of common for certain enterprise, confirmed.

38 V., c. 76, s. 74 replaced.

Conditions upon which licenses for sale of liquor &c., to be granted.

Paragraph added after 38 V., c. 76, s. 103 § 3, as amended by 45 V., c. 101, s. 7. License may be required to be exhibited.

Arrest in case of refusal.

Commitment in default of bail.

“ 1. For conceding lots and opening new streets in the common of the city, as the same becomes necessary, on such conditions as the council deems it expedient to impose.

The council may, likewise, by a simple resolution, concede or give lands in the said common for the purpose of promoting the construction of railways, and the establishment of manufactories and industries of all kinds within the city limits, any law to the contrary notwithstanding.

The by-law passed by the council on the third of January, eighteen hundred and ninety, and unanimously approved by the rate-payers on the twentieth of the same month, granting as a bonus to Eugène Prosper Bender the quantity of one hundred acres of the said common for the construction of abattoirs in the city, is confirmed and legalized for all lawful purposes.”

11. Section 74 of the act 38 Victoria, chapter 76, is replaced by the following :

“ 74. The collector of provincial revenue shall grant no license to any inn-keeper or other dealer in or retailer of alcoholic, vinous or fermented liquors in the city, except upon presentation of the two following certificates, namely : the license certificate granted by the three commissioners appointed in virtue of section 14 of the act 51-52 Victoria, chapter 10, (*) and the certificate of the secretary-treasurer of the council, establishing that the tax or duty imposed by the council upon every inn-keeper or other dealer or retailer has been previously paid to the said secretary-treasurer.”

12. The following sub-section is added after sub-section 3 of section 103 of the act 38 Victoria, chapter 76, as amended by the act 45 Victoria, chapter 101, section 7 :

“ 4. Notwithstanding all the above provisions respecting the collection of the taxes imposed by this act, in the case of the collection of taxes or duties levied in virtue of section 3 of the act 49-50 Victoria, chapter 46, upon every non-resident merchant or agent, his employees and clerks, coming into the city to sell or offer for sale therein, merchandize of any kind whatsoever, except by sample, catalogue or price list, any police officer or constable of the city may require each of such persons to exhibit his license; and, upon his refusal to exhibit such license or if he has no license, to take him before the mayor of the city or before any magistrate or justice of the peace to give bail to appear before the court of such magistrate or justice of the peace at its first sitting.

Every person so arrested, who cannot or will not give bail, as aforesaid, or who refuses to pay the amount levied

(*) See article 844 of the Revised Statutes of the Province of Quebec, which consolidated the said section 14.

and due for such license, shall be detained in the common gaol of the district of Three Rivers until the next sitting of the court held by the mayor, magistrate or justice of the peace.

The amount of bail to be given shall be one hundred dollars. Amount of bail.

If the conditions of the bail bond are not fulfilled, the amount mentioned therein shall belong to the corporation, and may be recovered by suit brought before the circuit court of the district of Three Rivers. If conditions of bond unfulfilled.

If the person arrested appears, the court, on the admission of such person or upon the offence being proved by one or more credible witnesses, shall condemn such person to pay a fine not exceeding fifty dollars, which fine shall belong to the city of Three Rivers; and in default of the immediate payment of such fine and costs, the person so arrested and condemned shall be imprisoned in the common gaol of the district of Three Rivers for a period not exceeding two months, unless such fine and costs, including those of imprisonment, be sooner paid." Proceedings after appearance. Judgment and fine. Imprisonment in default of payment.

13. The following sections are added after section 1 of the act 45 Victoria, chapter 10 : Section added after 45 V., c. 10, s. 1.

"1a. The school commissioners of the city of Three Rivers, represented and acting by and through the city council, as aforesaid, may grant a remission not exceeding ten per cent upon all taxes and assessments entered in the collection roll and which shall have been paid within the twenty days following the public notice given in virtue of section 103 of the act 38 Victoria, chapter 76, announcing that the collection roll is completed and deposited. School commissioners may grant remission not to exceed certain amount, if taxes paid within certain time.

"1b. The said school commissioners may exact and collect six per cent for each year of arrears of such taxes and assessments, as well as upon each year of arrears of interest due in virtue of any obligation, agreement or contract whatsoever, and may exact a rate of interest of six per cent per annum upon every sum of money paid out by them for the benefit of any person, in accordance with the provisions of any law or by-law passed by the said commissioners, and of any obligation, agreement or contract whatsoever, and upon the amount of any judgment obtained by the said commissioners before any court of justice." Interest on arrears, &c.

14. Section 107 of the act 38 Victoria, chapter 76 is replaced by the following: 38 V., c. 76, s. 107 replaced

"107. When the price, for which such land or building lot has been sold or adjudged, shall exceed the amount due to the said council of the city of Three Rivers, the secretary-treasurer of the said council shall pay over, into Proceedings if land sold for more than amount due to city.

the funds of the city, the surplus money which he may thus have in his hands, which shall be payable, without interest by the said council, after the expiration of the six months next after the sale of such land or lot, to any person having a right thereto, within one month after the regular notice to pay such sum shall have been given to the secretary-treasurer of the said city ;

Registrar's certificate to be previously procured.

But, before dispossessing himself of any of the said surplus money, it shall be the duty of the secretary-treasurer to require and receive from the registrar of the registration division of Three Rivers, a certificate of all the privileges and hypothecs whatever, which the said land thus sold shall be subject to.

Proceedings if seizures or opposition have been served upon secretary-treasurer.

If, within the space of the said six months, there is served upon the secretary-treasurer a *saisie-arrêt* or opposition to the payment of the moneys which he thus has in his hands, or if it appears, by the certificate of the said registrar, that there exists any privilege and hypothec on such land, then the said secretary-treasurer shall, at the expiration of the said six months, place, in the hands of the prothonotary of the superior court for the district of Three Rivers, a certificate under his hand and the seal of the said corporation, setting forth the amount of the moneys that he thus has in his hands, over and above the amount due to the said corporation, as well as all seizures, oppositions or other documents which may, during the course of the said six months, have been duly served upon him, and shall comply with the provisions of any judgment of distribution which may afterwards intervene before the said superior court.

Certain payments heretofore made, declared valid.

The payments, made previous to the present time, of surplus moneys derived from sales of immoveable properties in the city for municipal and school taxes and assessments, by the said corporation to persons who were apparently entitled thereto before the expiration of two years from the sale of such properties, are confirmed and legalized for all intents and purposes."

Council may order construction of drains in streets &c., and pay cost thereof out of certain debentures.

15. The council may, of its own accord, when it deems the same necessary, order the construction of drains in any street or lane of the city and pay the cost thereof out of the debentures, which it is authorized to issue in virtue of section 9 of the act 51-52 Victoria, chapter 80, and the amount thereof shall be added to the cost of the drains already constructed, in virtue of the said section and the by-law of the sixth February, eighteen hundred and eighty-eight.

Application of 49-50, c. 46, s. 11, and 51-52, c. 80, s. 8, and cer-

Section 11 of the act 49-50 Victoria, chapter 46, as amended by section 8 of the act 51-52 Victoria, chapter 80, and as replaced by the following section 16 of this act, and the said by-law, shall apply to proprietors of real estate

situate on the streets or lanes in which such drains shall be made, as if they had been originally included in such by-law; and the special tax imposed by the said by-law shall be levied upon such proprietors from the day to be determined by the council, in proportion to the value of their properties, to pay their share of the interest and sinking fund of the debt contracted for paying the expenses occasioned by such drains.

tain by-law to certain proprietors.
Levy of certain special tax authorized.

The provisions of section 9 of the act 51-52 Victoria, chapter 80, which are inconsistent with those of the present section, are repealed.

Inconsistent provisions of 51-52 V., c. 80 s. 9, repealed.

15. Section 11 of the act 49-50 Victoria, chapter 46, is replaced by the following :

49-50 V., c. 46 s. 11, replaced.

“ 11. The council shall have power to issue bonds, from time to time, for paying the cost of such drains, to an amount not exceeding sixty thousand dollars, and to levy a special tax upon all real estate owners in such streets or parts of streets, based upon the value of their property, as established by the valuation roll, in order to meet the annual interest on such bonds and the percentage determined as a sinking fund for the same.”

Power of council to issue bonds to pay cost of such drains &c., and levy special tax upon certain proprietors.

17. The two following sections are added after section 134 of the act 38 Victoria, chapter 76 :

Sections added after 38 V., c. 76, s. 134.

“ 134a. 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 city, he shall, within thirty days from the date of such accident or casualty, give a notice to the city of such intention, containing the particulars of his claim, and stating his own domicile; failing which, the city 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 required of suit for damages to be taken against city.

Failure to give such notice.

“ 134b. All actions, suits or claims against the city, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the right of such actions, suits or claims originated, any law to the contrary notwithstanding.”

Suits for damages prescribed by six months.

18. Section 26 of the act 38 Victoria, chapter 76, is replaced by the following :

38 V., c. 76, s. 26 replaced.

“ 26. The contestation of the election of mayor or aldermen shall be within the exclusive jurisdiction of the Circuit Court for the district of Three Rivers, which shall sit for the trial and hearing of such contestations on every juridical day in the year, even during vacation from the first of July to the first of September.

Contestation of election of mayor or aldermen before what court brought.

Decision final and without appeal. The decision rendered by the said court shall be final and without appeal.

Who may contest. Every election may be contested by one or more of the candidates or by at least ten electors of the city, by means of a petition, served within the thirty days following the election, setting forth in a clear and precise manner the facts and reasons on which such contestation is based.

Service of petition and notice. A certified copy of the petition, with a notice indicating the day on which it will be presented to the court, shall be duly served upon the mayor or aldermen whose election is contested, at least eight days before the day on which the petition shall be presented to the court.

Return of service. A return of such service shall be made and signed in due form on the original of the petition by the bailiff who has made the service.

Security to be given. No such petition shall be received unless the petitioner or petitioners deposit, in the office of the said court, when the petition is presented, the sum of one hundred dollars as security for the costs of the opposite party.

Proof ordered in certain event after preliminary hearing. If the court is of opinion that the facts and reasons set forth in the petition are sufficient in law to set aside the election, it shall order proof thereof, which may be verbal, and the hearing of the parties and their witnesses at as early a day as possible.

Proceedings summary. The court shall proceed in a summary manner to hear and decide such contestation, from day to day, until it has pronounced its final judgment.

Powers of court on contestation. The court before which the contestation is tried, may confirm the election or set it aside or declare another person duly elected, and in either case, condemn either of the parties to pay the costs of the contestation, which shall be taxed as in an action of from one hundred to two hundred dollars and recovered in the same manner.

Service of judgment. The judgment of the court shall be served upon the secretary-treasurer of the council at the expense of the party condemned to pay the costs.

Power of court as to defects and irregularities in election. If any defects or irregularities in the formalities prescribed for the election are alleged in the petition in support of the contestation, the court may admit or reject them, according to its opinion as to whether they may or may not have materially affected the election."

Sub-section added after 38 V., c. 76, s. 76 § 2. **139.** The following sub-section is added after sub-section 2 of section 76 of the act 38 Victoria, chapter 76 :

Gaming prohibited. " 3. For prohibiting games with cards, dice, dominos and other similar games in establishments where spirituous liquors are sold."

38 V., c. 76, s. 42 replaced. **20.** Section 42 of the act 38 Victoria, chapter 76, is replaced by the following :

" 42. Before the first of February in each year, the council shall vote the sums necessary to meet the expenses of the current year, and provide :

1. For the payment of the debts or obligations of the said corporation, falling due during the course of the said year ; Duty of council to vote for current year sums required for :
Payment of debts.
2. For the payment of the interest on the capital of the other debts of the said corporation ; Payment of interest, &c.
3. For the general and ordinary expenses of the said city ; General expenses.
4. For the appropriation of the sums required during the said current year, for projected improvements or works ; Projected improvements or works.
5. For the creation of a reserve fund of not less than five per cent, to be levied on the revenues of the said city from whatever source they arise, and such reserve fund shall be for the purpose of meeting the unforeseen expenses of the said corporation." Reserve fund.

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

CAP. LXX.

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

[Assented to 2nd April, 1890.]

WHEREAS it has become necessary to consolidate the various acts of the Legislature of the Province of Quebec respecting the corporation of the town of Ste Cunégonde and to grant certain additional powers to the said town ; Preamble.

Whereas it is desirable that the laws of Ste Cunégonde be assimilated to those of the city of Montreal ;

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

PRELIMINARY TITLE.

MISCELLANEOUS PROVISIONS.

SECTION I.

DECLARATORY AND INTERPRETATIVE PROVISIONS.

1. The act 47 Victoria, chapter 90, intituled, "An Act to incorporate the town of Ste Cunégonde," is repealed, together with all acts amending the same. 47 V., c. 90, and amending acts, repealed.

2. The following words in this act shall, unless the context otherwise requires, be understood to have the meaning given by this article. Certain words interpreted.