

" 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 :

Duty of council to vote for current year sums required for :

1. For the payment of the debts or obligations of the said corporation, falling due during the course of the said year ;

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.

C A P . L X X .

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 The act 47 Victoria, chapter 90, intituled, "An Act to incorporate the town of Ste Cunégonde," is repealed, together with all acts amending the same.

47 V., c. 90, and amending acts, repealed.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.

- "Council." 1. The word "council" shall mean the council of the corporation of the city of Ste Cunégonde of Montreal;
- "Mayor,"
"alderman,"
"city surveyor." 2. The words "mayor," "aldermen," "city surveyor," shall mean the mayor, aldermen and city surveyor, of the corporation of the city of Ste Cunégonde of Montreal, respectively;
- "Secretary-treasurer,"
"assistant-secretary-treasurer,"
"assistant clerk." 3. The words "secretary-treasurer," "assistant secretary-treasurer," "clerk," or "assistant clerk," shall mean the secretary-treasurer, assistant secretary-treasurer, clerk and assistant clerk of the city of Ste Cunégonde of Montreal;
- "Corporation." 4. The word "corporation" shall mean the city of Ste Cunégonde of Montreal, as hereby constituted;
- "Superior Court." 5. The words "Superior Court" shall mean the Superior Court for the district of Montreal;
- "Recorder's Court." 6. The words "Recorder's court" shall mean the recorder's court of the city of Ste Cunégonde of Montreal, and the word "Recorder," the recorder of the said city;
- "Recorder."
"City." 7. The word "city" shall mean the city or corporation of the city of Ste Cunégonde of Montreal.
- "Rate-payer." 8. The words "rate payer" shall mean any person liable to the payment to the corporation of any assessment, tax of any nature whatsoever, or water rate;
- "Owner,"
"proprietor,"
"tenant,"
"occupant." 9. The words "owner," or "proprietor," "tenant" and "occupant," shall have the same meaning as that given them in the Quebec Election Act, title second, chapter second, of the Revised Statutes of the Province of Quebec;
- "Elector." 10. The word "elector" means any municipalelector of the city of Ste Cunégonde of Montreal, who is qualified to vote when he exercises his right as elector;
- "Electors who are proprietors." 11 The expression "electors who are proprietors" means those who are entered on the valuation roll of the city, in force at the time they exercise their right as electors, and who are, at the same time, proprietors in possession, in virtue of *bonâ fide* titles.
- "Municipal dues." 12. The expression "municipal dues" means all taxes, whether general or special, imposts, dues, assessments, apportionments, licenses, special assessments, rates or compensation for water and lighting, fines or penalties, as well as all debts due the corporation whether they form part of its revenue or not;
- "Contract." 13. The word "contract" does not apply to the lease of stalls, nor to the lease, sale or purchase of land nor to loans of money, nor to any agreement in connection therewith;
- "Assessors,"
"Valuators." 14. The words "assessors" and "valuators" are synonymous;
- "Valuation roll," "assessment roll." 15. The words "valuation roll" and "assessment roll" are synonymous;
- "Police officers," &c. 16. The words "police officers" "policemen" "constables" are synonymous;

17. The words "bonds" and "debentures" are synonymous, and mean the bonds which the council is empowered to issue. "Bonds," "debentures."

18. The French expressions "*adjoint*" "*maire suppléant*" "*pro-maire*" are synonymous and mean the pro-mayor. "Adjoint," "maire suppléant," &c.

19. The word "assessment" shall mean the rates annually levied upon immoveable property in the city generally; "Assessment."

20. The words "special assessment" or "apportionment" shall mean the assessment levied, from time to time, upon certain proprietors for local improvements; "Special assessment," "apportionment."

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

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

23. The word "person" shall mean any individual, company, association, commercial firm or corporation, unless such interpretation shall be inconsistent with the context. "Person."

3. Unless the contrary be indicated, every reference to an article refers to an article of this act, and every reference to a form refers to the form designated by the same letter contained in the schedule to this act. References to articles in the act.

4. Unnecessary allegations and expressions introduced into the municipal acts of the council, or of its officers or employees, do not affect the validity thereof, if, when they are set aside as superfluous, the remainder of the provision conveys the meaning required. Unnecessary allegations &c., in municipal acts, &c., not to render them invalid.

5. The council and its officers exercise all the powers conferred by law upon the city. Powers of city how exercised.

6. No act connected with municipal affairs, performed by the council, its officers or any other person, shall be null or void solely on account of error or insufficiency in the designation of the corporation of the city, or of this act, or in designation of the qualities of such officers or person, nor even on account of the omission of the designation of such person, provided no surprise or injustice result therefrom. Acts connected with municipal affairs not void for certain informalities.

7. No objection founded upon form or upon the omission of any formality, even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection, or unless the formality omitted be such, that its omission, according to the pro- Objections to the form not to be allowed in suits respecting municipal matters.

visions of this act, would render null the proceedings or other municipal acts needing such formality.

Prescription of suits to annul by-laws, for damages, &c.

8. No action, suit or proceedings to annul any by-law or other act of the council, or for damages, indemnity, or relating to any matter or by-law in connection with this act, shall be instituted against the city or against any person after two months from the date at which the cause of action originated, or from the adoption of the by-law, resolution or other act of the council sought to be annulled.

If day fixed for performance any duty be a holiday.

9. If the day fixed upon for the execution or performance of any duty prescribed or proceedings, the holding of any meeting, poll, sale, deliberations or other things whatsoever be a non-juridical day they shall, *pleno jure*, be postponed or adjourned to the following juridical day.

Before whom oaths may be taken.

10. Any oath required by the provisions of this act may be made before the mayor, a judge, the recorder, the secretary-treasurer or any justice of the peace.

Oaths and certificates may be required without fee.

Any person, before whom any oath may be made is required, whenever he is called upon to do so, to administer the oath and deliver a certificate thereof, without fee.

Competency of certain persons as witnesses, in suits affecting city.

11. All citizens, electors, rate-payers, and constables of the city, and all members or officers of the council, shall be competent witnesses in suits wherein the rights of the said city are affected, if they be not otherwise incapable to act as witnesses.

Notice to be served by person intending to sue city in damages.

12. 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 three months from the date of such accident or casualty, serve a notice upon the city of such intention containing the particulars of his claim, and stating his own domicile; failing which the court may in its discretion give costs against the plaintiff.

When suit to be brought.

The action must be brought within six months.

Signatures of certain officers may be affixed by stamp, &c.

13. The city clerk, and the city treasurer, may respectively affix their signature to the certificates and to the notices which they are required to give under this act, by stamping said signature thereon with a stamp to be previously approved by the council and used exclusively for that purpose; and the signature so affixed shall be, to all intents and purposes, as valid as if in the handwriting of the said clerk or treasurer; and the production of any document or instrument bearing such stamp shall be *prima facie* evidence of the authenticity thereof, and of the au-

Effect of documents so signed.

thority of the officer to affix the same; and, except the officers above referred to, all persons are prohibited from using the said stamped signatures, under the penalty provided in article 283. Penalty on other persons using.

14. This act shall be known as the charter of the city of Ste Cunégonde of Montreal. Name of act.

Nothing therein contained shall apply to the city of Montreal, nor shall be of a nature to affect the laws, agreements and relations now existing between the two cities. Act not to apply to city of Montreal.

It shall come into force on the day of its sanction. Coming into force.

SECTION II.

TEMPORARY PROVISIONS.

15. The council, as hereby incorporated, is substituted for all purposes whatsoever for the aforesaid corporation of the town of Ste Cunégonde, and succeeds to all its rights, powers, privileges, debts and obligations. Council to be substituted to corporation of town of Ste. Cunégonde.

It shall be vested with all the powers, rights and privileges conferred by the aforesaid acts hereby repealed according to article 1, and shall be bound to perform all the duties imposed by the said acts. Vested with all its rights, &c.

16. The councillors of the town of Ste Cunégonde shall remain in office until their respective terms of office expire and shall be replaced in accordance with the provisions of this act. Present councillors of town of Ste. Cunégonde continued in office, &c.

From and after the coming into force of this act, the said councillors and their successors shall be called aldermen. Name of councillors hereafter.

17. The present municipal officers and employees of the town shall likewise remain in office until they are removed or replaced by the council. Present municipal officers continued in office, &c.

18. All *procès-verbaux* governing water-courses and streets, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the mayor and council of the town of Ste Cunégonde or their predecessors, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished. Existing procès-verbaux, &c., continued in force.

All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or contracted by the council of the town of Ste Cunégonde, up to the coming into force of this act, shall have all their legal effect. Notes, bonds, &c. issued by council of town to be binding &c.

TITLE I.

ORGANIZATION OF THE CORPORATION.

SECTION I.

INCORPORATION OF THE CITY.

Inhabitants
incorporated.

19. The inhabitants of the town of Ste Cunégonde and their successors, inhabiting the said town, are hereby constituted a body politic and corporate, under the name of "the city of Ste Cunégonde of Montreal."

Name.

General
powers, &c.

20. The corporation of the said city, under its corporate name, shall have perpetual succession, and may :

May sue, &c.;

1. Sue and be sued in any cause and before any court of justice ;

Have a com-
mon seal;

2. Have a common seal, which it may do away with, change or alter at will ;

Acquire real
or personal
property;

3. Acquire real or personal property by purchase, donation, devise or otherwise, and hold, enjoy and alienate the same for the use of the city ;

May enter into
contracts;

4. Enter into contracts, transact, bind and oblige itself and others to itself within the limits of its powers ;

Sign and draw
notes, &c.

5. Sign, draw, endorse, transfer, give, accept or receive notes, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other titles, whether negotiable or not, in the fulfilment of all rights and powers conferred upon it by its charter and by law, and of all the duties and obligations devolving upon it ; and, in particular, for the securing of loans, for the payment and settlement of amounts due by or to it under any deed, contract or agreement for the payment of grants or bonuses or for other legitimate purposes.

SECTION II.

LIMITS OF THE CITY. DIVISION INTO WARDS.

Territory of
the city.

21. The city comprises all that extent of territory contained within the actual limits of the town of Ste Cunégonde.

Division into
wards.

22. The city is divided into three wards or divisions, respectively designated and known as "East Ward," "West Ward" and "South Ward."

Boundaries
how fixed.

Their respective boundaries are those fixed by the existing by-laws of the town.

Alteration of
wards.

23. The council may, by an affirmative vote of the majority of all its members, alter the boundaries and

limits of the wards or increase or diminish the number thereof.

24. It may fix the number of aldermen to be elected by each ward, and indicate those who shall cease to represent the wards which may be done away with. Number of aldermen for each ward.

25. It may reduce or increase the number of aldermen ; but there must not be less than seven, the present number, nor more than twelve for the whole city. Increase or reduction in number. Proviso.

SECTION III.

ANNEXATION OF TERRITORY.

26. It shall be lawful for the city council, by the current vote of the majority of its members, to make laws to extend the city limits, by annexing thereto, for all municipal purposes, any adjoining municipality or part of municipality. Annexation of adjoining territory by by-law.

The by-laws for that object shall contain a complete description of the territory to be annexed, with a plan thereof, shewing its area and boundaries, and set forth the terms and conditions upon which it shall be so annexed. By-law what to contain.

They shall also determine whether the territory so annexed shall form a ward by itself, or be annexed, in whole or in part, to any existing ward or wards.

But every by-law for the purpose of extending the limits of the city, as above set forth, shall, before its third reading and final adoption, be approved by the electors who are property holders in the municipality or part of a municipality which is to be annexed ; which approval shall be given according to the rules set forth in the following articles. Approval of by-law required.

27. A copy of the by-law is published once a week for one month in one English and one French newspaper in the city of Montreal, and posted up at the door of the city hall, at the door of the parish church of the said municipality, at the door of the hall or building in which the council of such municipality usually holds its meetings, and in at least six other public places in the said municipality, or part of municipality, as the case may be,—with a notice, to be signed by the city clerk, certifying that it is a true copy of a by-law which will be taken into consideration by the city council, after the expiration of thirty days from the date of the last publication thereof, as aforesaid ; and that on a day and hour and at a place designated in the notice, a general meeting of the electors who are proprietors in the said municipality, or part of municipality, will be held for the purpose of con- Publication, &c., of by-law, with notice when to be considered. Meeting of electors to be called in notice.

dering such by-law, and approving or disapproving of the same.

When meeting to be held.

28. Such meeting is held not less than fifteen nor more than twenty days from the date of the last publication of the by-law within the limits of the territory to be annexed, and the place, day and hour set forth in the notice calling the meeting are fixed by the mayor of the city.

Who presides over meeting.

It is presided over by the mayor of the municipality within whose limits it is held, or, in the event of his absence or refusal to act, by a member of the council of such municipality present at the meeting and selected by it.

Secretary-treasurer to be secretary of meeting and to have certain rolls with him.

The secretary-treasurer or clerk of the city is bound to attend such meeting and to act as secretary thereof and have with him the assessment rolls and lists of electors who are property holders in such municipality, or with a certified copy of such documents.

What question to be decided at meeting.

29. The only question to be determined at such meeting is whether the majority of the qualified electors, being proprietors in the said municipality, or part of municipality, as the case may be, present at the said meeting, do or do not approve of the by-law ;

Presiding officer to declare, if majority approve or disapprove.

After the question is put, the person presiding shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law ; and his decision, if not appealed from, in the lapse of an hour, is final, and, within eight days thereafter, is communicated to the mayor of the city, by a certificate under the hand of the secretary of the meeting ;

Appeal from decision.

Any five of the electors present at such meeting may appeal from the decision of the person presiding, and demand a poll, which is granted ; the vote is immediately taken by the person presiding, the secretary-treasurer of the municipality acting as poll-clerk ;

Poll therefor.

Voting.

Each of the electors presents himself in turn to the person presiding, and gives his vote " yea," or " nay" ; the word " yea " meaning that he approves of the proposed by-law, and the word " nay," that he disapproves of the same ; but no person's vote is received unless he appears by the assessment rolls and voters' list to be an elector in the municipality, or part of municipality, as the case may be, duly qualified to vote as a proprietor of immoveable property therein ;

Continuation of polling to second day in certain event.

If, at five o'clock in the afternoon on the day of the meeting, the votes of all the electors present have not been registered, the presiding officer adjourns the voting to the following day at ten o'clock in the forenoon, and the voting is then continued as on the first day and is closed at five o'clock in the afternoon of the said second day.

If, at any time, on the first or second day, an hour elapses without a vote being offered, the poll is closed ; Closing of poll in certain event.

At the close of the poll, the person presiding counts the " yeas," and the " nays," and ascertains whether the majority of the electors are for the approval or disapproval of the said by-law ; and thereupon he forthwith makes and signs a certificate stating the result of the voting upon the said question, and such certificate is countersigned by the secretary-treasurer of the city acting as secretary of the meeting, and is kept by him, with the poll-book, among the records of his office. Counting of votes. Certificate showing result.

30. If the by-law is not approved by the majority of the electors of the municipality, or part of municipality, as the case may be, qualified as aforesaid, who have recorded their votes as aforesaid, the council cannot proceed to pass the same ; but, if it is approved by such majority, it is submitted to the council, with a preamble reciting the fact that such by-law has been approved by a majority of electors qualified, as aforesaid, in the said municipality or part of municipality, as the case may be, at a meeting called and held in conformity with the requirements of this act. If by-law not approved. If approved.

If the by-law is passed by the council, by the vote of the majority of its members, then such by-law has effect, provided it is approved by the Lieutenant-Governor in Council. Approval by Lieutenant-Governor.

31. The Lieutenant-Governor in Council may require from the council and from the municipality to be annexed, in whole or in part, under such by-law, all such documents and information as he may think necessary for ascertaining the expediency or in expediency of such by-law, or any of the provisions thereof ; and the proper officers of the council and of such municipality shall furnish the same accordingly ; and thereupon the Lieutenant-Governor in council may, in his discretion approve or disapprove of such by-law ; and if he approves of the same, such approval gives to such by-law the force of law ; and thereafter, the same is presumed and held to be regular and legal and the validity thereof and the sufficiency of all notices and proceedings relating thereto, and to the passage thereof, cannot be disputed before any court, nor in any other manner whatever. Lieutenant-Governor may, before approval, require certain documents and information, &c. Effect of approval &c.

32. Any municipal officer or member of a municipal council, who neglects or refuses to perform, or to concur in performing, any official act or duty required of him for carrying out the provisions contained in the six next preceding articles, is liable to a fine not exceeding one hundred dollars, which penalty may be sued for in the Fine upon officers for not carrying out provisions of preceding articles.

name of Her Majesty, before any competent court, within six months after the offence was committed.

Effect of
annexation.

33. So soon as any municipality or part of a municipality is annexed to the city, under this act, such municipality, or part of a municipality, becomes subject to the provisions of the several acts, by-laws, rules and regulations then in force or thereafter to be made and passed, under the powers conferred upon the corporation of the city by its charter, or by any act amending the same, except in so far as such provisions may be inconsistent with the conditions of the by-law under which such annexation has taken place.

SECTION IV.

THE CITY COUNCIL, ETC.

§ 1.—*The Council.*

Council, re-
presents city.
How rights
are exercised.

34. The corporation of the city is represented by its council; its rights are exercised and duties performed by the said council and its officers.

Corporation
seat.

35. The corporate seat is at the office of the secretary-treasurer in the City Hall.

Office hours.

Such office shall be open and of access to the public every juridical day, from nine in the forenoon to four in the afternoon.

Office to be
closed on
polling day.

36. The office of the corporation shall also be closed on polling days in the city.

Quorum of
Council.

37. The majority of the members of the city council constitute a quorum thereof.

Election of
mayor by
aldermen.

38. At the first general session of the council after the annual election of aldermen, the members of the council, if there be no vacancy in the office of aldermen, or if such vacancy has been filled, proceed to elect as mayor of the city one of the aldermen possessing the necessary qualifications.

Appointment
of pro-mayor.

39. The council may appoint one of the aldermen to perform the duties of pro-mayor and has the right to remove him at will.

His duties.

The pro-mayor performs the duties of the mayor, in the event of his absence or inability to act and during a vacancy in the office of mayor.

Powers of
mayor.

40. The mayor exercises the right of superintendence over all the officers of the council.

He may suspend any one of them ; and the officer or employee so suspended cannot be re-instated in office without the approval of the council.

He sees to the faithful execution of all municipal ordinances and by-laws.

He communicates to the council any information or suggestion which he may consider conducive to the interests of the city or of the citizens.

41. The mayor and secretary-treasurer sign, seal and execute, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, unless the council provide otherwise.

Mayor and secretary-treasurer sign contracts, &c.

42. While they are in office, the mayor and aldermen are justices of the peace *ex officio*, and have jurisdiction over the whole territory of the city.

Mayor and aldermen justices of the peace.

The fact alone of their being members of council qualifies them to act as justices of the peace, without their having to take an oath or to comply with any of the formalities or conditions required of justices of the peace.

No other qualification or oath required.

43. The council and any of its committees by its president may, in the name of the council or of such committees, summon any witness who is ordered to appear before the council or one of its committees, administer the oath to him and examine him.

Power of council and committees to summon witnesses.

Articles 55 and 56 apply to such witness.

Application of certain articles to witness.

44. Every member of the council, shall immediately after his election take the oath of office according to form A, and shall deposit such oath in the office of the council.

Oath of office of member of council when and where to be deposited.

Such oath may be taken before a justice of the peace or before the mayor then in office or before the clerk, and an entry thereof shall be recorded in the minute book of the council.

Before whom to be taken.

The entry into office of a member of the council is effected only by the deposit of his oath of office in the office of the council.

Entry into office of member of council.

45. The omission by the councillor during the space of ten days to deposit in the office of the council his oath of office for the position to which he has been elected, constitutes a refusal to accept the same, and renders him liable to the penalties prescribed, unless he be exempt from serving.

Effect of omission to deposit oath within certain time.

46. The aldermen receive no salary, profit or indemnity, in any shape whatsoever, for their services.

Services of aldermen gratuitous.

Members of council not to occupy other positions under council, or become sureties for officers or contractors, &c.

47. The members of the council are unable to hold any subordinate office under the council.

They cannot be sureties for the officers or employees of the corporation.

They cannot become sureties for the fulfilment of any obligation contracted by a third party towards the council.

Votes given not to be set aside because member illegally exercising office.

48. No vote given by a person filling illegally the office of member of the council, and no act in which he participates in such quality, shall be set aside solely by reason of the illegal exercise of such office.

§ 2.—Committees of the Council.

Appointment of standing or special committees.

49. The council may appoint standing or special committees, composed of as many of its members as it may 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.

When committees are formed.

50. The committees are formed every year at the first sitting after the annual general elections.

Replacing of members of committees.

51. The council may replace any member of the said committees whenever it deems expedient.

Mayor *ex-officio* member of all committees.

52. The mayor is a member *ex-officio* of all the committees, and has a right to vote therein.

Reports by committees.

53. The committees render account of their labors and their decisions by reports signed by their chairman or by a majority of the members who compose them.

Reports to be ratified by council.

No report or order whatever of a committee has any effect, until it has been ratified or adopted by the council.

Powers of council and committees in examining questions.

54. The council or its committees, on every question or matter pending before them, may :

1. Take communication of all documents or writings produced in evidence ;

2. Summon any person residing in the Province, on a warrant of the mayor or of the chairman of a committee ;

3. Examine under oath the parties and the witnesses produced by the parties, or any person summoned to appear, as aforesaid, in an inquiry into any matter of public interest within the jurisdiction of the council.

Witnesses to receive certain payments before being compelled to appear.

55. No one is bound to appear as a witness before the council or its committees unless his reasonable travelling expenses, for both going and coming, have been tendered or paid him, as well as compensation for loss of time,

which is fixed at fifty cents for every person who does not reside more than one mile outside the limits of the city.

56. Every person summoned as a witness before the council or its committees who, without just cause, fails to appear at the time and place mentioned in the summons, when the compensation mentioned in the preceding article has been paid or offered to him, shall incur a fine of not less than four nor more than six dollars, or imprisonment not to exceed fifteen days, except in the cases specially provided for by the following article.

Fine upon witness failing to appear, after receiving money.

§ 3.—*Investigations.*

57. Whereas questions of fact may arise in matters before the council, or its committees, which the interests of justice require to be investigated by the examination of witnesses on oath, and otherwise; and it may also become necessary, in the like interest, to institute inquiries into the truth of representations made to the council respecting matters within its jurisdiction; in any such case, the committee before which any such question arises, or any committee appointed by the council to investigate the same or to make such inquiry, may issue a summons, signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and, if judged expedient, to produce any papers or documents in his possession, or under his control, bearing upon such question or inquiry, or described in such summons;

Power of council and committees in investigations to require production of papers &c.

If any person so summoned neglects or refuses to appear at the time and place appointed by such summons, or, if appearing, he refuses to be examined on oath touching the said inquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able to do, a return of the issue and service of such summons and of such default or refusal may be made to the mayor, who may thereupon compel the attendance of such person, and compel him to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province of Quebec.

Persons refusing to appear, etc.

Every person, so neglecting or refusing to appear, or refusing to produce papers or be examined as aforesaid, shall, on conviction thereof before the recorder's court, be subject to the penalties prescribed by article 283.

Fine for not appearing and not producing papers when required.

The chairman of the committee is authorized to administer the oath to such witnesses.

Swearing of witnesses.

§ 4.—*Sessions of the council.*Sessions
where to be
held.

58. The council has the right, by resolution, to determine the place, within the limits of the city, where its sessions shall be held.

Quorum.

The quorum of the council is fixed by article 37.

Opening of
first meeting
of council.

59. The first session of the council after the election is opened by the retiring mayor or, in his absence, by one of the old aldermen who leaves the chair as soon as the new mayor is elected and sworn, according to form A.

Monthly
meetings of
council,
day and hour
to be held.

60. The council meets at least once a month to despatch the business of the city and holds its sessions on the day and at the hour which it determines by-by-law, in the city-hall.

Council to
adjourn if one
hour elapses
after hour
fixed before
meeting
opened.

61. No session of the council or committees can lawfully be held if more than one hour has elapsed from the hour fixed by the by-law, or by special notice calling the meeting, to the opening of the session.

Sessions pub-
lic.

62. All the sessions of the council are public, except when the council has to judge any of its members for any reason whatsoever, in which case, at the request of the member inculpated or of two aldermen, it sits with closed doors.

Exception.

Council to sit
with closed
door when
examining
into conduct
of officers or
employees or
when deciding
as to licences
for sale of
liquor.

63. The council also sits with closed doors at the request of two members, when it has to judge of the conduct of one of its officers or employees, or when it has tenders for public works or other objects before it, and when it has to decide upon granting licenses for the sale of intoxicating liquors.

Who presides
over council.

64. The sessions of the council are presided over by the mayor, or in default of the mayor by the pro-mayor, or, in default of both, by any member chosen from the aldermen present.

Duties of pre-
siding officer.

The presiding officer maintains order and decorum and decides questions of order, saving an appeal to the council.

Decision of
questions.

65. Every disputed question is decided by a majority of the votes of the members present, except in cases where the votes of two-thirds of the members of the council or of the members present are required.

Voting by
mayor or
other presi-
ng officer.

The mayor or pro-mayor or other councillor presiding may vote whenever a question is put to the vote; and, when the votes are equally divided, he also has a casting vote.

66. No member of a council can take part in the discussion of any question in which he has a personal interest, under this act, in case of contestation.

Members not to take part when interested in any question. Council to decide if member interested.

The council, in case of dispute, decides whether the member has or has not a personal interest in the question ; and such member has no right to vote on the question of his interest, although he may explain why he should not be recusable.

67. If there be a quorum, any ordinary or special session may be adjourned by the council to any other hour of the same day, without its being necessary to give notice of the adjournment to members not present.

Adjournment of council if there is a quorum.

68. The council may, by by-law, compel the members of the council or of the committees to perform their duties, and impose fines on them for neglect or omission in the performance of their duties.

Members may be compelled to perform duties.

69. The council may, by by-law, determine the order in which its business shall be despatched.

Order of business.

70. The council may also pass by-laws for the maintenance of order during its sessions, and, by such by-laws, impose a fine not exceeding fifteen dollars or an imprisonment not exceeding fifteen days in default of payment, for any contempt by the persons present at the sessions.

Maintenance of order. Fine or imprisonment.

71. The mayor or presiding officer may give orders to expel from the council room, until the adjournment of the session, any member who shall persist in his reprehensible conduct after having been called to order.

Expulsion of disorderly member from sittings.

However, the order of expulsion cannot be given or executed unless a motion to that effect is adopted by, at least, three-fourths of the members present.

Motion required for expulsion.

Such motion is always in order and is moved and decided without debate.

Motion for expulsion always in order.

72. The mayor or the secretary may, if necessary, convene special sessions of the council.

Convening of special sessions.

Whenever two members shall desire to have a special session, they shall apply to the mayor to have one called, and, if the mayor be absent from the city or refuse to act, they may convene it themselves, by specifying, in a written document addressed to the secretary-treasurer, the object for which they convene the session, and the day and hour at which they wish to have it held.

Two members may require convening of special session.

The secretary-treasurer is bound, on receipt of such notification, to call the session and give notice

Duty of secretary on being required to convene.

thereof to all the members of the council other than those who convene it and mention the names of the latter.

Notice how given.

73. Every notice of the calling of a special session of the council is given by the secretary-treasurer, at least twenty-four hours before the time fixed for the session.

Business to be taken up at special sessions.

74. At a special session, the subjects or matters mentioned in the notice calling the council together can alone be taken into consideration.

Preliminary requirements.

The council, before proceeding to business at such session, must set forth and declare, in the minutes of the sitting contained in the book of its deliberations, that the notice of meeting has been served upon all the members.

Closing of meeting if all members not notified.

If it appear that the notice of meeting has not been served on all the members, the session is immediately closed.

Minutes and signing thereof.

75. The minutes of the proceedings of meetings of the council are to be drawn up and entered in a book kept for that purpose, and are signed by the mayor or member presiding at such meetings; and they are open to the inspection of all rate-payers who wish to consult them.

Open to inspection.

Validity of extracts &c. from minutes, &c.

76. All extracts, from the book required to be kept by the preceding article, and all copies of entries therein, and generally, all certificates, deeds and papers, certified or signed by the mayor, and countersigned by the city clerk, and under the seal of the city, shall, in all courts of justice in the Province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers respectively.

SECTION V.

OFFICERS OF THE COUNCIL.

§ 1.—*General Provisions.*

Appointment &c., of officers and their duties.

77. The council appoints such officers as it may think necessary for the execution of the powers vested in it by this act, and may prescribe and regulate by by-law the duties of such officers respectively, and, at its pleasure, remove any such officer, for cause, when such officer shall have been engaged for any term whatever and appoint another in his place; and may grant to the officers, salaries to be appointed, as aforesaid, such salary, or other compensation for their services it may think fit.

Salaries.

Oaths of office to be taken by certain officers.

78. After their appointment and before entering into office, the recorder, assistant recorder, municipal officers

or employees, constables, officers or men of the police force and other officials, shall take oath to well and faithfully perform the duties of their respective offices.

The omission during ten days to take such oath of office shall constitute a refusal to accept the office for which the oath is required. Effect of omission to take.

79. The council may require of all persons employed by it, in any capacity whatsoever, such security as it may deem sufficient to secure the due execution by such persons of the duties which devolve on them. Security may may be required by council from employees.

80. The council may, by by-law, define the duties, not defined by this act, of its officers, employees, police officers and constables, and impose penalties or fines upon them for neglect in the performance of their duties. Duties of officers, not defined by law may be defined by by-law, etc.

81. Whenever an act or proceeding must be executed by more than two municipal officers, it may be validly executed by the majority of such officers, save in special cases otherwise provided for. Majority may act, if anything to be done requires more than two.

82. Every municipal officer, who has ceased to discharge the duties of his office, is bound to deliver, within eight days next following, to the mayor, or at the office of the council, all the moneys, keys, books, papers, insignia, documents, archives and other things belonging to the council. Retired officer to deliver up moneys, keys, &c.

83. If any municipal officer absents himself from the city or dies, his representatives or heirs are bound, within one month from his death or absence, to deliver to the mayor, or at the office of the council, the moneys, keys, books, papers, insignia, documents, archives and things belonging to the council, and which he had in charge in the execution of the office so held by him. Representatives or heirs of officers bound to deliver moneys, keys, &c.

84. In the case of the two preceding articles, the council is entitled, in addition to any other legal recourse whatsoever, to recover, by process of revendication, from such officer or his representatives, all such moneys, keys, books, insignia, archives or things whatever, with costs and damages. Council may seize such articles in revendication.

The council may exercise the same rights and obtain the same remedy against all other persons having in their possession, and refusing to deliver up such things. Similar recourse against others having such articles.

85. In the exercise of its legal rights and recourse provided for in the preceding article, the council may conclude for coercive imprisonment, which may be ordered against the defendant who has been condemned. Coercive imprisonment may be asked for.

Secretary-treasurer and other officers to report to council, &c.

86. The secretary-treasurer, and all other officers and employees of the corporation, are bound to give an accurate report in writing, and in the manner determined by the council, to the council or any authorized person, upon all matters connected with their respective duties, and to render an account of the moneys collected by them and of those expended or disbursed by them for the council and under its control, specifying the objects for which such moneys were so paid or disbursed.

Action to account may be taken.

87. The council may bring an action to render an account against any employee responsible for corporation moneys, and who shall, if need be, be condemned to render account, and to pay the sum which he is declared to owe, with interest and costs of suit.

Coercive imprisonment.

Every such judgment carries with it coercive imprisonment, and does not stay criminal proceedings for malversation, embezzlement or other offences.

Doors, &c., may be ordered to be opened in cases of seizure, &c.

88. The mayor or justice of the peace may, by a special written order signed by him, authorize any person charged with the execution in the city of a writ of seizure, arrest, summons or sale in municipal matters, either civil or criminal, to open the doors of the houses or buildings which he may find closed, or the entry whereof is refused him; and may also, in virtue of the same order, require the assistance of all such other persons as he may deem expedient; and the costs incurred upon such proceedings are levied in virtue of the same warrant or writ.

Resistance to seizure, &c., of moveables to be *rebellion à la justice*.

89. Whosoever refuses to allow any person, appointed to effect the seizure or sale of moveable property or effects contained in a house, to enter the same, is guilty of resistance to justice (*rebellion à la justice*) and may be condemned by the mayor or any justice of the peace to an imprisonment which shall not exceed thirty days.

§ 2.—*Secretary-treasurer or city clerk.*

Keeper of office and archives.
Name of officer.

90. The council shall always have an officer as keeper of its office and archives.

Such officer is styled the "secretary-treasurer," but the council may replace such name by that of "city clerk."

Archives of which he has the custody.

91. The secretary-treasurer shall be the keeper of all the books, registers, plans, maps, archives and other documents and papers, which are either the property of the council, or are produced, filed and preserved in the office of the council.

He can not divest himself of the custody of such archives, except with the permission of the council, or upon an order of a competent court.

92. He shall attend at all sessions of the council, and draw up minutes of all the acts and proceedings thereof in a register kept for that purpose and called "register of proceedings."

Attends sessions and draws up minutes.
"Register of proceedings."

93. All minutes of the sittings of the council are signed by the president and countersigned by the secretary-treasurer.

Signature to minutes.

94. Whenever a by-law or a resolution is amended or repealed, mention shall be made thereof in the margin of the register of proceedings, opposite such by-law or resolution, together with the date of the amendment or repeal.

Entries to be made upon by-law or resolution amended.

95. The secretary-treasurer or treasurer collects and has charge of all moneys of the corporation.

Secretary-treasurer collects, &c., moneys.

He deposits all the funds of the city, in a corporate bank, and they can not be withdrawn therefrom, except for municipal purposes, authorized by the council upon a cheque signed by the mayor and secretary-treasurer.

Deposits funds in bank.

He can not pay out any of the funds of the city except upon an order of the council, and upon a written order signed by the mayor or two members of the finance committee.

Order required before money is paid.

Such order, in the hands of the secretary-treasurer or treasurer, is *primâ facie* evidence that the amount therein mentioned has been paid.

Effect of order.

96. The secretary-treasurer or treasurer is bound to keep, in due and proper form, books of account, in which he enters, by order of date, each item of receipt and expenditure, mentioning the persons who have paid moneys into his hands or to whom he has paid any.

Books of account to be kept.

He keeps in his office all vouchers for expenditure.

Vouchers.

97. No secretary-treasurer or treasurer can, under a penalty of twenty dollars for each infraction :

Secretary-treasurer forbidden to :

1. Grant discharges to rate-payers or other persons indebted to the corporation for municipal dues or other debts, without having actually received in cash, or in lawful value, or in accepted bank cheques, the amount mentioned in such discharges ;

Grant discharges without payment :

2. Lend, directly or indirectly, by himself or by others, to rate-payers or other persons whomsoever, moneys belonging to the corporation.

Lend city moneys.

Secretary-treasurer's books open for inspection.

98. The secretary-treasurer's or treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in his possession as archives of the council, are open for inspection and examination during office hours to all rate-payers of the municipality, or their attorneys.

Copies of books, &c., to be given to persons requiring same upon payment of fees.

99. The secretary-treasurer is bound to deliver, upon payment of the fees fixed by the council and payable to the municipal treasury, to any person applying for the same, copies or extracts from any book, roll, register, document or other paper, which forms part of the archives.

Copies, &c., authentic.

Such copies or extracts, when certified by the secretary-treasurer, are authentic.

Accounts in detail of receipts and expenditure to be rendered by secretary treasurer.

100. The secretary-treasurer or treasurer is bound to render an account in detail of his receipts and expenditure whenever he is called upon by the council to do so, and to publish, every year, fifteen days before the elections, over his signature and that of the auditors, a report covering all the financial transactions of the corporation during the twelve months, from the first of January to the thirty-first of December, each year.

Interrogatories upon articulated facts and declarations as garnishee by whom made.

The secretary-treasurer, for and in the name of the city, may answer all interrogatories upon articulated facts served upon the corporation, and the treasurer thereof shall have power to make the declaration required by law, for and in the name of the corporation, as garnishee, without being thereto authorized by resolution of the council of the city for that purpose.

§ 3.—Auditors.

Appointment of auditors.

101. At the first session of the council after the annual elections, or as soon as possible at the commencement of the fiscal year, the council appoints two auditors, who are not members or officers of the council, and who have no contract or bargain therewith.

Auditors to audit books, &c.

102. The auditors, as often as the council may require, audit the receipts and expenditure of the secretary-treasurer or treasurer, who is bound to account, as well as all the financial operations of the council.

Annual report to council.

103. They are further bound to send an annual report to the council, at least five days before the date of the elections, under penalty of forfeiting their fees or indemnity, and without prejudice to the penalty incurred by them.

§ 4.—*Valuators.*

104. The council may appoint valuers or assessors, Appointment of valuers. whose powers, rights, duties and obligations are set forth in articles 515 and following.

TITLE II.

PERSONS QUALIFIED OR DISQUALIFIED FOR MUNICIPAL OFFICE.

SECTION I.

PERSONS QUALIFIED MUNICIPAL OFFICE.

105. Every male resident of full age in the city, not Qualifications for municipal office. declared disqualified by a provision of this act, shall be capable of discharging a municipal office therein.

SECTION II.

PERSONS DISQUALIFIED FOR MUNICIPAL OFFICE.

106. The following persons can not be elected Disqualification for mayor or aldermen. mayor or alderman nor perform the duties thereof; nor be appointed to or fill municipal offices :

1. Minors ;
2. Persons in holy orders, and the ministers of any religious denomination ;
3. Members of the Privy Council ;
4. The judges or magistrates receiving emoluments from the Federal or Local Governments or from the city ;
5. Officers on full pay of Her Majesty's Army or Navy, and the officers or men of the police force ;
6. Keepers of taverns, hotels or houses of public entertainment, and persons who have acted as such within the preceding twelve months ;
7. Whosoever has no domicile or place of business in the city for at least one year previous to the election or nomination ;
8. Whosoever receives any pecuniary allowance or other consideration from the corporation for his services, or who has directly or indirectly, by himself or his partner any contract with the corporation ;

Nevertheless a shareholder in any incorporated company, which has any contract or agreement with the corporation or which receives a bonus therefrom, is not disqualified from acting as a member of the council ; but he shall be deemed to be interested if any discussion should arise before the council or a committee with reference to any measure relating to such company ;

9. Whosoever has not paid all his municipal dues, with the exception of such amounts as may have to be made up, owing to involuntary error or omission ;

10. Whosoever cannot read or write fluently ; it shall not suffice that he can read print or write his name, or even do both ;

11. Aliens ;

12. The officer presiding at the election, or any person employed by the council or by such presiding officer in connection with an election ;

13. Any person convicted of treason or felony by any court of justice ;

14. Persons who are responsible for moneys belonging to the city, or who are sureties for any employee of the council.

Property qualification of aldermen and of valuers.

107. No one can be elected or appointed alderman or valuator, unless he possesss in the city for at least twelve months, as owner, under registered title deeds, real estate to the value of at least one thousand dollars for the office of alderman, and five hundred dollars for that of valuator, after deduction of all debts affecting such real estate, the value whereof shall be established according to the valuation roll in force.

Proof of hypothecary charges.

The production of the registrar's certificate shall be sufficient proof of the existence of such hypothecary charges.

Deposit of qualification.

108. Upon a written demand made by a member of the council, before the council, to the mayor or any alderman present, such mayor or alderman shall, within the eight days following, give in writing and under oath, and deposit in the office of the council, a declaration of qualification containing the description of the real estate in virtue of which he is qualified to sit.

Surety for secretary-treasurer or other officers not to be member of council.

109. No person, surety for any secretary-treasurer or for any municipal employee, can be a member of the council of which such secretary-treasurer is the officer, before he is freed from all obligations to the corporation arising from his bond as surety.

Person becoming disqualified while he holds office bound to give notice.

110. Whoever has been appointed to any municipal office for which he becomes disqualified during his exercise of such office, shall give, without delay, at the office of the council, a notice alleging the reasons of his disqualification and tendering his resignation

If notice not given.

Until such formality is accomplished, such person is to be deemed to have continued in the exercise of such office and is liable to all fines, prosecutions and other rights of action prescribed or authorized by this act.

111. If the disqualification of a person appointed to a municipal office is notorious or sufficiently established, the council may, by resolution, declare the office of such person vacant, saving any recourse on the part of the person appointed.

If disqualification notorious.

The vacancy is then filled in the ordinary manner, and within the delay prescribed.

Vacancy how filled.

SECTION III.

PERSONS EXEMPT FROM MUNICIPAL OFFICE.

112. The following persons may be exempted from any municipal office :

1. Members of the Senate, of the House of Commons, of the Executive Council, and of the Provincial Legislature ;
2. All civil functionaries, the employees of the Federal Parliament and of the Provincial Legislature, and militia officers ;
3. Licensed pilots, persons engaged in navigation, and millers ;
4. Persons of over sixty years of age ;
5. Gaolers and keepers of houses of confinement, of correction, or of reformatory schools ;
6. All persons employed on railways.

Persons who may be exempted from municipal office.

113. Any person, having discharged any office under the council during the two years next preceding, may refuse to accept any office whatever under the same council during the two years next after such service.

Persons who have filled office already.

114. Any person, who is appointed to a municipal office from which he is exempt, must, in order to avail himself of such exemption, serve upon the secretary-treasurer a special notice to that effect, within the ten days following the notification of his election or appointment, or the day when he shall become exempt from filling such office, if he already fills one.

How and when exemption can be claimed.

In default of his so doing, he may no longer claim his exemption.

Effect of default to claim

TITLE III.

MUNICIPAL NOTICES.

115. Every notice, given under the provisions of this act, of the orders of the council, or for municipal purposes, is drawn up, and published or served, in accordance with the formalities prescribed in the following articles.

Notices how drawn up, and published or served.

116. Every notice is either special or public, and shall be given in writing or be printed.

Notices and how given.

Public notices are published ; special notices are served.

Attestation of
copies of
notices.

117. Every copy of a notice which must be served, published or posted up, is attested, either by the person who gives such notice or by the secretary-treasurer.

Certificate of
service or
publication
required.

118. The original of every notice shall be accompanied by a certificate of publication or of service, made by the person publishing or serving the same.

Deposit of
original, etc.
of notices.

The original of such notice and the certificate which accompanies it, are filed by the person who has given the notice in the office of the council, to form part of the municipal records.

How service
of special no-
tice is effect-
ed.

119. Except in the case where the service is made by mail under article 121, the service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile, or at his place of business, even when occupied by him in partnership with some other person, during ordinary business hours.

Agents may
be appointed
by absentee
proprietors,
&c.

120. Every owner of land or rate-payer, domiciled without the limits of a municipality, may, by a special notice filed in the office of the council, appoint an agent to represent him for all municipal purposes.

Powers of
agent not to
extend to
voting for his
principal.

Such agent, however, cannot represent his principal for the purposes of municipal elections, nor of voting on by-laws submitted, under articles 299 and following, for the approval of the electors who are proprietors.

Service of spe-
cial notice
upon agent.

121. The special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality must be served on such agent.

If no agent
appointed.

If an agent has not been appointed, the notice is served by lodging in the post office of the city a copy thereof, in a sealed and registered envelope, addressed to the absent proprietor or rate-payer.

Special notice
need not be
given to ab-
sentee if
agent not ap-
pointed or
address not
given.

122. No one is bound to give a special notice to any absent proprietor or rate-payer who has not appointed an attorney or agent, unless such proprietor has made known his address in writing by filing the same in the office of the council.

When special
notice may be
served.

123. Special notices cannot be served, except upon juridical days and between the hours of seven in the morning and seven in the afternoon.

Service if
doors of domi-
cile closed, &c.

124. If the doors of the domicile or place of business, where service of a special notice should be made, are

closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice on one of the doors of the domicile or place of business.

125. The intermediate delay, after special notice, runs from the day on which such notice was served, exclusive of such day and of Sundays. Computation of delays.

126. The publication of a public notice for municipal purposes is made by posting up a copy of such notice at least two different places fixed by the council. Publication of public notice how effected.

127. Public notices which have to be published in the newspapers, are inserted at least twice in one French newspaper and in an English newspaper of the city of Montreal. Publication in newspapers how effected.

128. Except in cases otherwise provided for, the intermediate delay after a public notice dates from the day on which such notice has been made public. Computation of delays upon public notice.

If it is ordered that the notice must be published in a newspaper, the intermediate delay dates from the day of the first insertion of such notice in the newspaper. Delays if published in a newspaper.

In all cases the day on which the notice was made public does not count. Day on which notice given not to count.

129. Public notices are applicable to and binding upon proprietors or rate-payers domiciled out of the city in the same manner as upon residents, except in cases of expropriation and other cases otherwise provided for. Public notices binding on all proprietors and rate-payers, &c.

130. Any person who acquiesces in that which is required by a notice, or who, in any manner, whatsoever, becomes sufficiently acquainted with its tenor or object, can not thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service. Effect of acquiescing in notice.

131. Any bailiff of the Superior Court or of the recorder's court may serve and post up any notification required by this act and make a return thereof under his oath of office. Who may serve notices.

TITLE IV.

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

SECTION I.

MUNICIPAL ELECTORS.

132. The following persons, being of the full age of twenty-one years, are entitled to be registered upon the Qualification of electors.

Voters. electors' list for any ward, and, when so registered, to vote at elections to be held under the provisions of this act, namely :

Proprietors. 1. Every male person entered on the last assessment roll, in force, as the owner of immoveable property in such ward, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; if such immoveable property is owned by several persons *par indivis*, each of them shall be entitled to a vote in respect thereof, provided the proportion of the assessed value of the property, corresponding to his share thereof, amounts to a sum sufficient to qualify him as an elector under the provisions hereof ;

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

Widows and spinsters shall have the same rights, as to voting, as are conferred by this paragraph upon male persons who are proprietors, subject to the same condition.

Tenants. 2. Every citizen residing in the city whose name is entered on the last assessment roll in force as tenant of a house or part of a house in the ward for which such list is made of the assessed value of three hundred dollars and over or of the assessed annual value of thirty dollars or over.

Partners being tenants and occupants. 3. Every citizen, although not a proprietor or householder but who, either individually or jointly, as co-partner with any other person, is entered on the last assessment roll in force as the tenant or occupant of any warehouse, counting-house, shop, office or place of business in the city, provided that such warehouse, counting-house, shop, office or place of business, if occupied by the said person individually, be assessed at a value not less than three hundred dollars, or at an annual value of not less than thirty dollars ; or, if occupied by him as a co-partner, that his proportion or share thereof be not of less value than the amounts aforesaid respectively, according to the assessed value thereof.

Persons vote in ward where qualified.
If in more than one ward. **133.** Persons entitled to vote, as aforesaid, vote in and for the particular ward in which the property constituting their qualification to vote is situated ; but when any such person is qualified, as owner, in more than one ward, or as the tenant or occupant in one ward, and at the same time as owner or householder in any other ward, he may vote for the election of aldermen in any or all of the wards wherein he is qualified so to do.

and he is inscribed in the electors' list for each of such wards.

134. No person qualified is entitled to vote at any election of alderman, unless he has, when he so exercises his right as elector, paid the amount of all taxes, assessments, and water rates (special assessments for local improvements excepted), that may then be due by him to the city.

Taxes, &c., must be paid before voting.

In addition to the persons already deprived by this act of the right of voting at elections of aldermen, no salaried officer or employee of the corporation nor member of the police force or fire brigade of the city shall be qualified to vote at such elections.

Salaried officers and employees of city and police and men of fire brigade not to vote.

SECTION II.

PREPARATION OF THE LIST OF ELECTORS.

135. Before the thirty-first day of December, in each year, the secretary-treasurer is bound to make for each ward of the city, from the last assessment roll then in force, an alphabetical list of the persons qualified to vote at elections under this act, to be called "The List of Electors," wherein he inserts the names and surnames of the electors, and their occupation, he also indicates in a separate column, the nature of the qualification of such electors, whether as owners, occupants or tenants.

List of electors when to be prepared and what to contain.

136. In preparing the electors' list, the secretary-treasurer subdivides each ward into as many electoral districts as he deems convenient, each of such districts to contain two hundred electors or thereabout; he makes out, for each such electoral district, an alphabetical list of electors, which he signs, certifying that it is correct to the best of his knowledge and belief, and at any election held under this act, each of such electoral districts constitutes a polling district for such election.

Subdivision of wards into electoral districts.

Alphabetical list for each district.

137. After having drawn up such lists, and certified their accuracy at the foot thereof, the secretary-treasurer deposits them in the office of the council.

Deposit of lists.

138. The secretary-treasurer is bound forthwith to give public notice, according to form B, stating that such lists are filed in his office, there to remain open to the examination of the parties interested or their representatives, during the ten days next after the date of such notice.

Notice of deposit to be given.

SECTION III

REVISION OF THE LIST OF ELECTORS.

Complaints against list of electors by whom to be made.

139. In such space of ten days, any person having any ground of complaint in respect of such lists or of any one of them, personally or for another, may complain thereof, by giving to that end a written notice to the secretary-treasurer, specifying the grounds of his complaint.

Complaints to be made within certain time.

140. No application for the insertion of or striking of a name from such lists is accepted in the office of the secretary-treasurer, after four o'clock in the afternoon of the tenth day after the date of the notice mentioned in article 138.

Meeting of board of revisors to revise lists.

141. At seven in the evening of the last of the ten days mentioned in the previous article, a board of revisors, composed of three members of the council, previously appointed by the council for the purpose, or, in default of the council, by the mayor, proceed to the revision and amendment of the lists, in the office of the council.

Revisors to act under oath of office.

142. Such three revisors act together under their oath of office as members of the council, and under the chairmanship of one of them.

Secretary.

The secretary-treasurer acts as secretary of the revisors.

Appointment of others, if the revisors do not meet.

143. If the three revisors do not meet, the mayor may appoint others who shall meet on the following evening, and from day to day at the same hour and at the same place until the revision of the lists be completed.

If not revised, secretary-treasurer to revise lists.

In default of the revision and completion of the lists, as aforesaid, the secretary-treasurer shall, under his oath of office, revise and complete the same before the election.

What complaints to be considered.

144. The board of revisors or the secretary-treasurer, as the case may be, shall take into consideration the written complaints only, hear the parties interested, examine them together with their witnesses, under oath, maintain the lists or make the necessary additions and corrections thereto.

Powers of revisors.

It may correct any errors and supply any accidental omissions made in such lists.

Swearing of parties and witnesses.

The oath is administered to the parties and their witnesses by the chairman of the revisors or by the secretary-treasurer, as the case may be.

Notice to be served upon party whose name is sought to be struck.

145. Every application for striking a name from the lists shall be served upon the party interested by a bailiff or constable, and a return of the service shall be filed

with the complaint before the revisors and shall mention the day and hour when and the place where the revisors shall consider such application.

146. The lists so revised are signed by the chairman of the board of revisors, countersigned by the secretary-treasurer, or signed only by the secretary-treasurer, as the case may be, according to form C. Signature to lists after revision.

147. Such lists, to the exclusion of all others, remain in force up to the entry into effect of the new lists drawn up in virtue of these provisions. How long lists remain in force.

TITLE V.

GENERAL ELECTIONS

SECTION I.

PRELIMINARY PROVISIONS.

148. The aldermen are elected for three years in each ward by the majority of the votes of the municipal elector of the ward. Term of office of aldermen and how elected.

149. The duties of the members of the council who go out of office cease at the opening of the first general or special session held after the annual elections. When duties cease.

150. The duties of the newly elected members commence from the moment they are sworn. When duties commence.

SECTION II.

DATE OF THE ELECTIONS.

151. The general elections are held annually in the month of January. When general elections are held.

152. The nomination of the candidates shall take place on the second Monday of January, between the hours of ten and eleven in the forenoon, in the office of the clerk in the city hall. Nomination of candidates.

153. When a poll is necessary, it is held on the third Monday of January from the hour of nine in the morning to five in the evening. Polling when held.

SECTION III.

HOLDING OF ELECTIONS.

§ 1.—*Convening the electors.*

Notice of nomination.

154. At least eight days before the nomination of candidates for the office of aldermen, public notice shall be given by the secretary-treasurer, announcing the hour and place of the nomination.

Effect of omission of notice.

155. The omission to give such public notice, does not prevent the meeting of the municipal electors from being

Fine on those responsible for omission.

held; but the persons who are bound and have neglected to give such notice, incur a fine of twenty dollars, payable to the corporation.

§ 2.—*Presiding officer and election clerk.*

Officer to preside.

156. The secretary-treasurer, *ex-officio*, presides at every municipal election.

Election clerk.

157. The presiding officer appoints an election clerk to assist him in the performance of his duties relative to the elections; and, if the presiding officer be absent or unable to act, the election clerk performs the duties of the presiding officer and is liable to the same fines.

Oath to be taken.

The election clerk makes oath to well and faithfully perform the duties of his office.

Oath of presiding officer.

158. The presiding officer acts, as such, under his oath of office as an officer of the council.

Powers as justice of the peace.

159. He has the same powers as a justice of the peace, and may exercise the same throughout the municipality, from eight o'clock in the morning of the nomination day, until nine o'clock of the following morning if there be no poll.

In the contrary case, he may exercise the same until nine o'clock in the morning of the second day after the polling.

§ 3.—*Nomination of candidates and election by acclamation.*

Nomination of candidates how effected.

160. Each candidate is named and designated by his Christian name and surname, with his residence, profession or occupation, in a nomination paper (in the form D), which is signed by at least ten electors duly qualified under this act, and deposited in the hands of the officer presiding at the election on the day and between the hours aforesaid; and such nomination paper must be

Consent of candidate.

accompanied by the consent in writing of the person nominated, unless such person be absent from the city, in which case the nomination paper shall set forth such absence.

161. The nomination paper is also accompanied by an affidavit, (in the form E) sworn before the city clerk or a justice of the peace and setting forth :

Affidavit to accompany nomination paper.

1. That the deponent knows that the subscribers to the nomination paper, or at least ten among them, are electors entered as qualified to vote upon the voters' list in force in the city, or in the ward in which the election is to be held, (as the case may be) and that they signed the nomination paper in his presence ;

2. That the consent of the candidate was subscribed by him in the presence of the deponent, or that the candidate is absent from the city.

162. If only the number of candidates required to be elected are nominated in the manner aforesaid, for any of the said offices, they are *ipso facto* elected; and it is the duty of the officer presiding at the election to proclaim such election.

Election by acclamation.

163. If more than the required number of candidates are nominated for any one of the said offices, a poll shall be granted, and the election shall be proceeded with in the manner herein prescribed ; provided that no person shall be voted for or elected, who has not been nominated in the manner aforesaid.

Polling if more candidates than vacancies.

164. The secretary-treasurer is bound to publish the names of the candidates nominated for each ward by means of a notice posted up on the door of his office in the city hall, from the nomination day to the polling day.

Publication of names of candidates nominated.

165. Every candidate nominated may, at any time before the closing of the poll, withdraw and resign, by filing with the officer presiding the election a written declaration to that effect, signed by such candidate, in the presence of two witnesses, who shall also sign the same ; and, in such case, it shall be the duty of the city clerk, on receiving such declaration, to make known such withdrawal by public notice ; if only one candidate for such office remains he shall thereupon proclaim such candidate to be duly elected ; and, in the latter case, all proceedings in connection with such election shall be discontinued.

Candidates may resign before close of poll and proceedings thereafter.

SECTION IV.

POLLING.

§ 1.—*Election of officers.*

Appointment
of other elec-
tion officers.

166. In addition to the presiding officer and election clerk, appointed under articles 157 and following, other election officers are appointed as hereinafter provided.

Deputy pre-
siding-officer.

167. The presiding officer shall appoint a deputy-presiding-officer for each ward in which a poll is to be held.

Poll clerk.

He may also appoint a poll-clerk for each poll. (Form F.)

Both to be
sworn.

Both these officers shall take the oath of office.

Presiding offi-
cer serves
gratuitously.

168. The presiding officer performs his duties without remuneration.

Payment of
deputy and
poll-clerk.

The deputy-presiding-officers are paid four dollars and the poll-clerks two dollars.

Penalty for
certain
offences by
deputy-pre-
siding-officer
and poll-
clerk.

169. Every person acting as deputy-presiding-officer or poll-clerk at any poll, who infringes the provisions of this act by receiving and registering any vote which is declared inadmissible, incurs for each offence, a fine of one hundred dollars, and, in default of payment, an imprisonment of two months.

§ 2.—*Polls.*

Where polls to
be establish-
ed.

170. Polls shall be established in each ward where an election is to be held.

Location of
polls to be
published and
posted up.

The presiding officer shall, in due time, select the places required for the purpose of establishing polls therein, and shall be bound to indicate and make known the same by means of a public notice, published and posted up on the door of the poll, at least three days before the voting and in the office of the corporation.

Where elec-
tors may vote.

171. Electors can only vote at the poll of the ward in which they are qualified as such.

If qualified in
more than
one ward.

If an elector is qualified to vote in more than one ward, he may vote for the election of aldermen, in each ward wherein he is so qualified.

Penalty for
voting more
than once.

172. Every municipal elector, who votes more than once at the election of the alderman for each ward wherein he is qualified to vote, incurs, for each offence, a fine of twenty dollars or an imprisonment of two months.

Proof of qual-
ification.

173. In all cases, the qualification required of electors is established by the list of electors, and, if there be no such list, by the valuation and assessment rolls.

The electors must, however, have paid all municipal dues, as required by this act.

Taxes must however be paid.

174. Within two days after the final addition of the votes, the presiding officer is bound to give special notice of his election to each member of the council who has been elected.

Special notice to members elected.

175. The absence of such notice has not the effect of invalidating the election, nor of preventing the member elect from taking his seat.

Effect of absence of notice.

176. When a person has been elected alderman for more than one ward, he must, within the same delay, declare what ward he intends to represent; and, in default of his so doing, the council declares which of such wards such person shall represent as alderman, and thereupon he is deemed to have been elected for such ward.

Option, if person elected for more than once ward.

In either of the two above cases, the office, which has been given up by the candidate, becomes *ipso facto* vacant, and the vacancy is filled by the council as soon as possible at a regular session,

Vacancy so caused how filled.

177. Within two days next after the close of the election, the presiding officer draws up a faithful report of his proceedings, and forwards it to the office of the council, together with the original notice to the candidates elected, the certificates, poll books and other papers which he has in his possession as presiding officer of the election.

Report of proceedings at election to be sent to office of council.

Such various documents are certified as correct by him and form part of the archives of the council.

Documents to form part of archives.

The election expenses are paid by the corporation.

Expenses of elections.

§ 3 — *Good order at elections.*

178. In addition to the powers conferred upon the presiding officer by article 159 of this act, he has, for the purpose of maintaining peace and good order, the right and power to swear in as many special constables as he may deem advisable.

Appointment of special constables.

179. The presiding officer or presiding officers may, for the same purpose, by a verbal or written order, require the assistance of any justice of the peace, constable or other persons residing in the city.

Assistance may be required from justices of the peace, etc.

180. Every house or shop within the city, licensed for the sale of spirituous or fermented liquors, must be closed during the whole time the polls are open and for two hours after they are closed, under penalty of a fine of one

Close of liquor shops etc., during elections.

Penalty if not closed.

hundred dollars, or three months imprisonment in default of payment, against any person keeping such house or shop open.

Penalty for sale or gift of liquors during elections.

Whosoever sells or gives spirituous or fermented liquors, during the election, is liable to the same penalty.

§ 4.—*Cases when the elections are not held on the day appointed.*

Proceedings if elections do not take place at time required.

181. If it happen that the annual general elections do not take place at the time specified in this act, it is the duty of the aldermen, who do not retire from office, or the majority thereof, to assemble, without delay, to fix the days on which the nomination and holding of the poll shall be held.

Notice before nomination.

The days so fixed must be the soonest possible, and public notice of the election is given three clear days before the nomination.

Penalty on aldermen not complying with preceding article.

182. If, within fifteen days next after that on which the general elections should have taken place, the aldermen who do not retire from office have not complied with the preceding article, they and each of them are liable to a fine not exceeding twenty dollars.

Mayor's duty in such case.

In such latter case, it is the duty of the mayor in office, under a penalty of one hundred dollars, to fix the days of the election and to give the notice required by the preceding article.

Power of Lieutenant Governor if mayor does not act.

183. In default of the mayor acting as mentioned in the preceding article, the Lieutenant-Governor may name a person and direct him to do what is required of such mayor.

SECTION V.

BALLOT.

§ 1.—*Preliminary formalities.*

List of electors to be supplied to each deputy-presiding officer and a ballot box.

184. When a poll is necessary for the election of an alderman, the presiding officer shall, at least two days before the voting, give to each of the deputy-presiding-officers the list, or a copy of the list of the electors who are entitled to vote at the polls for which the deputy-presiding-officers are appointed, and deliver to each of them a ballot box to receive the ballot papers of the electors.

Ballot box how be also furnished.

185. Such ballot box shall be made of durable material, with lock and key, and a slit or narrow opening in the top, and so constructed that the ballot paper may be

introduced therein, but cannot be withdrawn therefrom, without opening the box.

186. The returning-officer shall also furnish the deputy-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.

Ballot papers to be also furnished. cient.

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

All ballot papers to be alike.

187. The ballot paper of each elector consists of 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 surnames, or if there be several candidates with the same surname, in the order of their Christian names.

Description of ballot paper.

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

Order of names on ballot paper.

189. 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.

Ballot paper for each if more than one to be elected.

The ballot papers for the election are printed on white paper.

Color of ballot papers.

190. Every elector receives from the deputy-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, hands them all together and folded separately to the said deputy-presiding-officer.

Number of ballots to be given to elector and how he shall proceed to vote.

191. The presiding officer shall also furnish to each deputy-presiding-officer, at least ten copies of printed directions for the guidance of voters in voting.

Directions for guidance of voters to be also supplied

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

Posting up of copies on day of polling.

The presiding officer must also deliver to each of the deputy-presiding-officers a book, drawn up according to form F F, in which the names of the persons who vote at the election are to be entered.

Poll book to be also delivered.

192. The deputy-presiding-officer and the poll-clerk, respectively, take the oaths prescribed for them.

Oaths of deputy-presiding-officer and poll-clerk.

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

Oaths to be annexed to certain statement.

The said oaths are annexed to the statement mentioned in article 228.

§ 2.—Voting

Where voting takes place.

193. The voting takes place for each of the wards where a poll is to be held at the place determined by the presiding officer for the election, as aforesaid, in a room or building of convenient access, with a door for the admittance of the electors, and having, if possible, another door through which they may leave, after having voted.

Compartments in voting room.

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

Who may remain in poll.

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

If candidates have no representatives, &c.

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

Oath to be taken by agents or representatives.

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

Opening of ballot box before voting.

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

Locking thereafter.

The box is then at once locked, and the deputy-presiding-officer keeps the key thereof.

Commencement of voting.

198. Immediately after the box has been locked the deputy-presiding-officer calls upon the electors to vote, and it is 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.

Manner of voting.

199. Each elector, being introduced, one at a time for each compartment, into the room where the poll is held,

declares his name, surname and occupation which are 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 deputy-presiding-officer or poll clerk.

200. If such name be found on the list of electors for such ward, the elector receives from the deputy-presiding-officer a ballot paper for each vote he has to give, on the back of which such deputy-presiding-officer has previously put his initials, and on the annex whereof, a number corresponding to that opposite the elector's name on the poll book.

Ballot paper to be given if name on list.

201. Any candidate or his representative may, when the vote is tendered, require the production of the receipt of the secretary-treasurer of the city establishing the payment, by the person who so presents himself to vote, of all the taxes due by him under article 502 ; and, if such person has lost his receipt, he must produce a certificate, which the secretary-treasurer is bound to give him for the purpose of voting, establishing that he has paid such taxes within the time above-mentioned ; and, in default of producing such receipt, or certificate, such person cannot vote at the election.

Receipt for payment of taxes may be required, &c.

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

Oath to persons requiring to vote.

" 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 municipal electors' list 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 municipal assessments, taxes and dues are paid ;

" 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 induce you to vote at this election, and that you have not already voted at this election ;

"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."

Ballot paper not to be given if oath refused, &c.

203. No ballot paper shall be given by the deputy-presiding-officer to any elector who has refused to take the oath or affirmation mentioned in the preceding article, when thereunto required, or who, having taken the same, does not answer in the manner prescribed ; nor can he be allowed to present himself again to vote at the same election.

Oath put by deputy-presiding-officer, if he thinks elector has already voted, &c.

204. Whenever any deputy-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 deputy-presiding-officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law.

Marking of ballot by elector, &c.

205. The elector, on receiving the ballot paper, forthwith proceeds into one of the compartments of the poll, and there marks his ballot paper, making a cross with a black lead pencil, opposite the name of the candidate for whom he intends to vote, after which he folds it up so as to conceal his mark and hands it to the deputy-presiding-officer.

Examination and deposit of ballot in box, &c.

206. 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 immediately, and in the presence of the voter, places the same in the ballot box.

Entries to be made in poll book.

207. 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 :

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

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

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

Entries on list of electors.

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

208. The deputy-presiding-officer, on application of any elector 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 elector who shall declare his incapacity, as aforesaid, under oath to be taken before the deputy-presiding-officer or his representative :

1. By marking his ballot paper, in favor of the candidate mentioned by such elector in the presence only of the agents or sworn electors as the case may be, and

2. By placing such ballot paper in the ballot box.

Whenever a ballot paper has been prepared in conformity with this article, mention of the fact is made in the poll book opposite to the name of the elector.

209. 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 deputy-presiding-officer, obtain another ballot paper.

210. The elector who presents himself at the poll, on applying therefor, is given the number of ballot papers required, but he can 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.

211. 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 article 202, is entitled to vote as any other elector.

Mention is made in the poll-book of the fact, as well as of the oath taken by such elector, 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.

212. Whenever the deputy-presiding-officer does not understand the language spoken by any elector claiming to vote, he swears an interpreter.

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

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

Ballots not to be displayed, after being marked.

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

Voters not to be interfered with, etc.

216. With the exception of the case of article 208, no person shall interfere with, or attempt to interfere with a elector 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 elector at such poll is about to vote or has voted.

Every person shall aid in maintaining secrecy.

Information not to be given.

217. 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 one to communicate any information as to name of candidate for whom elector has voted, &c.

218. 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.

Penalty for contravention of 4 preceding articles.

219. Whoever acts in contravention of any of the provisions of the four preceding articles is liable to a penalty not exceeding one hundred dollars, or imprisonment not exceeding three months, in default of payment.

Penalty for putting papers in ballot box fraudulently.

220. Whoever fraudulently puts or attempts to put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in, incurs, for each offence, a penalty of two hundred dollars, or imprisonment for six months in default of payment.

Persons need not declare for whom they have voted.

221. No person can, in any legal proceeding, be required to state for whom he has voted at any municipal election.

Arrest of persons attempting to vote in place of another, &c.

222. Every person, who, at an election for alderman of the said city, shall illegally endeavor to vote or who shall vote for and instead of another elector, shall be arrested, on view, by one of the deputy-presiding-officers or by any justice of the peace in the said city, or by any other peace officer or constable present at such election or on warrant issued by any justice of the peace; and the person so arrested shall be taken to and kept in safe keeping or confined in the common gaol of the district of Montreal until the end or

Imprisonment.

close of the election, and until good and sufficient security be given that such person so arrested shall appear and answer to the charge to be preferred against him in that respect, before the recorder's court or before a justice of the peace; and every such person shall, upon conviction of the offence aforesaid, incur and pay a fine not exceeding one hundred dollars and, in default of immediate payment, shall be liable to an imprisonment not exceeding three months in the common gaol, for each and every such offence, unless the said fine be previously paid.

Fine upon conviction

§ 3.—*Counting the ballot papers.*

223. Immediately after the close of the poll, which is at four o'clock in the afternoon, the deputy-presiding-officer, 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, opens the box containing the ballot papers, and proceeds to count the number of votes given for each candidate.

When, where and by whom ballots are to be counted.

224. The deputy-presiding-officer, on reading, and counting the ballot papers, shall reject :

Duty of deputy-presiding-officer in counting ballot papers!

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 indication by which the voter could be identified.

225. 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 are put into separate sealed envelopes or parcels; those rejected are also put into a different sealed envelope or parcel.

Ballots to be packed up.

All these parcels, after having been endorsed, so as to indicate their contents, are put back into the ballot box.

Endorsed and placed in ballot box.

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

Report to presiding-officer.

226. The deputy-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.

Objections made to be decided by deputy-presiding-officer.

Decision to be final.

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

Objection to be numbered.

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

Statement to be made by deputy-presiding-officer.

227. The deputy-presiding-officer shall make out a statement indicating the number of the :

1. Accepted ballot papers ;
2. Votes given to each candidate ;
3. Rejected ballot papers ;
4. Spoiled and returned ballot papers, and
5. Ballot papers which have not been used, and which are returned by him.

Original to be placed in box.

He makes and keeps a copy of such statement and encloses the original in the ballot box.

Other documents to be placed in ballot box.

228. He also places 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, the unused ballot papers, and all other lists or documents that may have been used or required at such election, are also placed by the deputy-presiding-officer in the ballot box.

Ballot box to be locked and returned to presiding officer. Ballot box may be delivered to messenger.

229. The ballot box is then locked and sealed, and returned to the presiding officer, or to his assistant

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

Oath to be taken by such persons.

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

Certificate to be given of number of votes given, &c.

231. The deputy-presiding-officer, on being requested so to do, delivers *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.

Secrecy to be maintained at voting.

232. 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.

No information to be given.

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 acts in contravention of any provision of this article is punishable by a penalty not exceeding fifty dollars, or an imprisonment not exceeding one month, in default of payment. Penalty for infractions.

§ 4.—*Close of the election.*

233. On the day following the election, at the hour of ten in the forenoon, the presiding officer, in the office of the corporation at the city hall, opens the ballot-boxes in the presence of two witnesses, as also in the presence of the candidates, or their respective agents, if they are present, and ascertains the number of votes given at the polls for each candidate, from the statements found in the several ballot-boxes returned by the deputy-presiding-officers. When and where and by whom all the ballot boxes are to be opened.

234. After the final counting of the votes, the presiding officer shall declare and proclaim elected the candidate for the office of alderman who has received the greatest number of votes in the ward. Proclamation of persons elected.

Such declaration is filed in the office of the council and forms part of the archives. Where filed.

235. After the final counting of the votes, the secretary-treasurer wraps up all the documents and ballot papers in a single parcel, which he seals and keeps 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. Documents, &c., to be wrapped up, and kept for forty days, &c.

236. If the ballot boxes, or any of them, have been destroyed, lost, or are not forthcoming, the presiding officer forthwith ascertains the cause of the disappearance of such ballot boxes and procures from the deputy-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 those documents. If ballot boxes are destroyed or lost, proceedings by presiding officer to recover lists, &c.

Each of such documents is verified on oath taken before the presiding officer.

237. If, in the case of the preceding article, the lists, statements, certificates, or copies thereof, cannot be obtained, the presiding officer shall ascertain, by such evidence as 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 found, how number of votes to be ascertained.

In case the presiding officer cannot ascertain to his satisfaction who has been elected, the council at its first session, appoints one of the two candidates to the office, and the proceedings of the election for such office are void. If presiding officer not satisfied as to who is elected council may appoint one of candidates.

Special return
respecting
disappearance
of boxes, &c.

238. In the case of the two preceding articles, the presiding officer shall state in his return the circumstances attending the disappearance of the boxes, and the means adopted by him to establish the number of votes polled for each candidate.

Declaration of
election of
candidates.

239. The candidate who, on the final summing up of the votes, is found to have a majority of votes, is then declared elected.

Council to de-
cide if votes
are equal.

240. When the votes are equal for one of the said offices of aldermen, the council shall decide which person is elected.

§ 5.—*Final provision.*

Power of
council by
by-law to
make forms
and modify
details, but
not to affect
principle of
election by
ballot.

241. 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.

TITLE VI.

VACANCIES IN THE OFFICE OF MAYOR OR ALDERMAN.

Vacancy in
office of
mayor or
alderman.

242. There is a vacancy in the office of mayor or alderman in each of the following cases :

1. In case of death ;
2. In case of an election being set aside ;
3. In the case provided by article 111 ;
4. In the case of absence from the sessions of the council and of its committees for over two consecutive months ;
5. In the case of absence from the city for over two months, without the permission of the council ;
6. In the case of the election of a person who is not eligible ;
7. In the case of a written resignation and the acceptance of such resignation by the council ;
8. When a member of the council has refused to accept or to continue to occupy the office ;
9. When a member of the council no longer has his residence or place of business in the city ;
10. When a member of the council has become incapable, after his election, owing to one of the incapacities enacted by law and has complied with article 110 ;
11. When a member of the council is exempt from office when elected, or becomes exempt while in office, provided he complies with article 110 ;
12. When a member of the council has made an assignment of his property on account of insolvency, or has

been declared bankrupt, or has applied to obtain the benefit of any law respecting insolvency ;

13. When a member of the council is unable to act for two consecutive months, on account of illness, infirmity or any other cause.

243. If the seven aldermen remain in office, the election of the new mayor takes place at the first session of the council held after such vacancy has occurred, under article 28 of this act. Election of mayor if seven councillors remain.

If, on the contrary, there are vacancies in the office of alderman, the election shall take place only at the first session of the council held after all the vacancies in the office of alderman are filled. If vacancies in office of alderman.

244. If the appointment of the new mayor is not made at the date set forth in the preceding article, it may be made by the Lieutenant-Governor according to the usual rules. Appointment by Lieutenant-Governor in certain event.

245. The mayor remains in office from the moment he takes the oath of office until the appointment of his successor. Term of office of mayor.

246. Any member who refuses to accept or to continue to fill the office to which he has been elected in the council, or who has been unable to perform the duties of such office for two consecutive months on account of absence, illness, infirmity or other cause, may always, if the vacancy caused by his refusal or inability to act, has not been filled, resume and exercise his office, provided he is still able to do so, without prejudice, however, to the costs of the proceedings against him. Certain persons may resume office after refusal, if vacancy not filled.

247. When a vacancy occurs in the office of mayor or alderman, the council shall, at its first regular session or at a special session, fill the vacancy, by resolution, either by some member, if the office of mayor be vacant, or, if the office of alderman, by selecting one from the persons in the city who may be qualified therefor. Vacancies in the office of mayor and alderman how filled.

248. In any case, the mayor or alderman elected or appointed in the place of another remains in office, only, for the remainder of the period for which his predecessor was elected. Term of office, &c., of person so appointed.

249. Notwithstanding any vacancy in the council, the members who remain in office continue to exercise their powers and to perform their duties as such, and if there be more than three vacancies, the majority of the remaining members constitute a quorum. Notwithstanding vacancies, remaining members continue to perform duties. Quorum.

TITLE VII.

RECOUNT BY A JUDGE.

When recount may be applied for. **250.** Within the ten days following the election, one of the candidates or five qualified electors may apply for a recount.

Petition for such purpose and affidavit in support. **251.** Such application is made to the judge of the Superior Court for the district, by means of a petition accompanied by an affidavit made by a credible person to the effect that such person believes that, when the ballots were counted, one of the deputy-presiding-officers or his poll clerk, improperly counted the ballots or rejected some ballot papers or added up the votes incorrectly.

Notice to be given to candidates, &c. **252.** The judge before whom the petition is brought, gives notice to the candidates of the day and hour at which he will proceed to recount the votes, and he summons the presiding-officer and election clerk to appear before him and orders them to have with them and produce the poll-books, electors' lists, and the packages containing the ballot-papers used at the election.

Proceedings at recount. **253.** The judge proceeds, summarily, to the recount ; in recounting the votes, he corrects the original addition if need be, and confirms and declares who is really elected or annuls the election, as the case may be.

Recount excludes other contestation. **254.** The application for recount, as aforesaid, excludes all other methods of contestation.

Decision final. The decision of the judge on such application is final and without appeal.

TITLE VIII.

CONTESTATION OF MUNICIPAL ELECTIONS.

SECTION I.

GROUND'S FOR CONTESTATION.

Who may contest election and upon what grounds. **255.** Any election of a member of the council may be contested by any candidate or by five qualified electors on the ground of violence, corruption, fraud, or incapacity, of insufficiency of votes or the non-observance of essential formalities.

SECTION II.

PROCEDURE.

§ 1.—*General Provisions.*

256. The Circuit Court of the district of Montreal or a judge shall take cognizance of such contestation, and the costs are taxed accordingly, as in non-appealable cases, notwithstanding the provisions of the following article, the effect of which is only to accelerate the procedure.

257. The contestation is tried and decided summarily. The evidence is taken orally.

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

§ 2.—*Petition to set aside the election.*

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

The petitioners may also, in their petition, indicate the persons who have a right to the office in question, and state the facts necessary to establish such right and pray that they be placed in possession of such office.

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

260. No such petition can be presented or received after the thirty days following the date on which the contested election was held.

§ 3.—*Security.*

261. The petitioners shall give security for the costs before the service of the petition; otherwise, such petition cannot be received by the court.

262. The security required by the foregoing article is put in before the clerk of the Circuit Court.

The sureties must be owners of real estate of the value of two hundred dollars, over and above any incumbrances there may be on such property.

One surety suffices.

The security may be given by means of a deposit of an equivalent amount of money or securities in the hands of the clerk in his office or sitting of the court.

§ 4.—*Return of the petition and trial.*

Presentation of petition.

263. The petition is presented in open court, or to a judge in chambers, together with the returns of the preliminary services.

If judge be absent.

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

If petition alleges defects of form, etc.

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

If allegations sufficient, proof and hearing to be ordered.

265. If the court or the judge, after having heard the parties, is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it orders proof to be adduced and the parties interested to be heard, on the day it deems the most convenient.

§ 5.—*Judgment and incidental proceedings.*

Power of judge on contestation.

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

Costs and their recovery.

267. The court or the judge may condemn either of the parties to pay the costs of the contestation.

Such costs are recoverable, as well against the parties to the suit as against their sureties, and all other persons who may be condemned to costs.

The judgment, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them.

If necessary to examine poll-books &c.

268. If, in consequence of the contestations raised in connection with such petition, it should become necessary to verify the addition, examine or otherwise dispose of the poll-books used in the election and other documents connected therewith, or to examine the officers who superintended the election or acted therein in any capacity, the court or judge has the same jurisdiction, power and authority as any court or judge in this Province in similar cases.

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

If any person, other than the defendant, contributed to render election null, to be not condemned in costs.

270. The court may order that its judgment, if it annul the election, be served, at the expense of the party against whom the judgment has been given, at the office of the council.

Service of judgment may be ordered.

271. If the trial of the contestation is not concluded at the close of the term of the court at which the petition was presented, the sitting judge shall continue it without interruption during vacation, adjourning from day to day until he delivers his final judgment upon the merits of the contestation.

Continuation of trial after close of term.

If the petition has been presented in chambers, the judge continues the case from day to day until his judgment has been rendered.

Continuation of case if in chambers.

272. No election shall be contested in any other manner, nor according to any other procedure than that prescribed by this act.

No other manner of contestation.

TITLE IX.

BRIBERY AT ELECTIONS.

273. The following persons are deemed guilty of bribery and liable to the penalties, hereinafter imposed for such offences :

Certain persons guilty of bribery.

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

Electors demanding money, &c.

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

Candidates, &c., by gifts, &c., corrupting elector, &c.

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

Elector agreeing by means of gift, &c., to favor candidate.

4. Whoever shall receive any money, gift, reward or promise, under the form of hiring of vehicles or for loss

Receipt of money, &c.

of time, so as to give his vote, or who shall accept an excessive price for any article of commerce, for his vote or with a view of his abstaining from voting at any municipal election in the city ;

Employers
&c., coercing
employees.

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

Hiring
carts.

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

Loaning wag-
gons for
money, &c ,
for convey-
ance of
electors.

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

Penalty for
infraction of
provisions of
preceding
article.

274. Whoever infringes any of the provisions of the preceding article, shall incur and pay for each offence a fine of forty dollars, which shall be recovered with costs of suit, and for his own benefit, by any person who shall sue for the same before the Circuit Court for the district of Montreal.

Municipal
franchise to
be lost during
certain time,
&c.

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

TITLE X.

POWERS OF COUNCIL.

SECTION I.

MISCELLANEOUS PROVISIONS.

Jurisdiction
of council.

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

By-laws &c.,
passed in
session.

276. By-laws, resolutions and other municipal orders shall be passed by the council in session.

Formalities to
be complied
with by coun-
cil.

277. The council, in the discharge of its functions, shall fulfil all the formalities required by the provisions of this act, and by the by-laws in force in the city.

How docu-
ments &c.,
are to be
published.

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

279. The council may suspend or revoke any license granted under the provisions of this act, on account of improper conduct, incompetency or violation of any by-law on the part of the person who has obtained such license. License granted may be suspended or revoked.

280. When the council, in its discretion, may deem it expedient to cause privy-vaults or privies in the city to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract ; provided such price does not exceed seven cents per cubic foot ; Council, if it has privy-vaults emptied by contract, may make certain stipulations in contract as to payments. Proviso.

Such contractor has the right to recover from the owner of the premises, the sum due under such contract, before the ordinary tribunals. Recovery by contractor of such price.

SECTION II.

BY-LAWS OF THE COUNCIL.

§ 1.—General provisions.

281. A copy of every by-law, made under this act, shall be transmitted, without delay, to the Lieutenant-Governor of this Province, who may, by and with the advice of the Executive Council of this Province, within three months from the receipt of such copy, disallow the by-law, and such disallowance shall be signified to the mayor of the city ; and, thereupon, such by-law shall be void and of no effect. Copies of by-law to be transmitted to Lieutenant-Governor for approval. May be disallowed by him within certain time.

282. The council, in any by-law in which a license is to be granted, may fix and determine in its discretion the amount of the fee or tax to be paid for such license. Price for licenses may be fixed in by-law.

283. The council may impose by any by-law, for each and every infraction of the by-laws, excepting in cases where penalties are specially provided, a fine, with or without costs, or imprisonment, in default of immediate payment of such fine and costs ; but, except in cases where it is otherwise provided in this act, such fine or imprisonment shall be in the discretion of the recorder's court ; such fine shall not, however, exceed forty dollars, and such imprisonment shall not be for a longer period than two calendar months ; and where such imprisonment is ordered in default of payment of the fine, it shall cease on such payment ; and where the infraction of any by-law is continuous, such infraction during each day shall constitute a separate offence. Power of council to impose penalties by fine and imprisonment in default of payment. Limit of fine and imprisonment. Continuous infractions.

By-law may impose certain fines and imprisonment in default of payment not to exceed certain sum, &c.

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

Power of courts in deciding offence.

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

Power of council to authorize officers to enter houses &c., for certain purposes &c., and impose penalties for refusal to allow such entrance.

285. The council, in any by-law, may authorize any of its officers, or any officer or constable of the police force, to enter any house, building, yard or other premises in the city, to ascertain if any infringement of the by-laws now in force, or which may hereafter be passed by the council, is therein committed, and impose the said penalty, on all persons who refuse to allow such officer or constable to enter any such house, building, yard or premises, or in any way resist or interfere with the said officer or constable in the execution of his duty.

§ 2.—*Promulgation and amendment of by-laws.*

Signature to by-laws to be authentic.

286. The original of every by-law, to be authentic, shall be signed by the mayor or person presiding the council, at the time of the passing of such by-law, and by the secretary-treasurer.

Certificate to accompany by-laws submitted to electors for approval.

287. The originals of the by-laws submitted for the approval of the municipal electors, when such approval has been given, shall be accompanied by a certificate under the signature of the mayor, or of the person who presided at the meeting, and of the secretary-treasurer, establishing the fact of such approval, and such certificate forms part thereof.

Reading of by-laws before being passed.

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

Translation of by-laws into English.

289. The by-laws shall be translated into the English language when the council shall require it.

Certificate as to observance of formalities to be *prima facie* proof.

290. The certificate of the secretary-treasurer, stating that the necessary procedure and formalities have been observed by the council or its officers at the time of the passing of the by-law, are *prima facie* evidence of their regularity.

291. One and the same by-law may regulate several of the objects mentioned in the provisions of this act.

In the event of the various objects, with regard to which one and the same by-law disposes, requiring the approval of the municipal electors, one approval alone is sufficient for the whole by-law.

Several objects may be regulated by same by-law. If to be submitted for approval, one submission suffices.

292. The by-laws of the council come into effect and have the force of law, if not otherwise provided for in the provisions of the by-laws themselves, fifteen days after publication, except when otherwise provided for by the provisions of this act and especially by article 448.

Coming into effect of by-laws.

293. The by-laws, which, in virtue of their own provisions, or those of this act, do not come into force until after the expiration of a certain period, shall be published by public notice at least fifteen days before such period.

Publication required for certain by-laws.

294. The by-laws are published after the passing thereof, or their definitive approval in cases in which they have been submitted for the approval of the municipal electors, by a public notice signed by the mayor or secretary-treasurer, in which mention shall be made of the object of the by-law, of the date on which it was passed, and of the place where communication thereof may be taken.

How by-laws are published.

295. If the by-law be approved of by the municipal electors, the notice of publication also mentions that such formality has been observed, and the date upon which it was complied with.

Notice to mention approval by electors, if such has been the case.

The council may, moreover, publish its by-laws in a French and in an English newspaper of the city of Montreal.

Publication in newspapers.

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

How long by-laws remain in force.

297. By-laws passed by the council are, when published, deemed public laws within the limits of the city and outside of the same within the jurisdiction of the council, and it is not necessary to allege them specially.

By laws to be public laws within city, &c.

298. By-laws, which, before coming into force and effect, must be submitted for the approval of the municipal electors, can not be amended or repealed, except by another by-law approved in the same manner, except those which contain a provision reserving to the council the right of amending or repealing the same; but, in such

Amendment of by-laws which have been submitted to electors for approval.

case, the amendment cannot derogate from the principles approved by the electors, and the by-law can only be amended in such manner as to make it more advantageous for the city.

Repeal, &c.,
of by-laws.

Notice re-
quired.

The repeal or amendment of any by-law can only be made by means of another by-law; and, before proposing such by-law, it is necessary that a notice of motion should have been given at a previous session

§ 2.—*Approval of electors, who are real estate owners, required for certain by-laws.*

Proceedings
at meeting for
approval of
by-laws.

299. When a by-law of the council has to be submitted to the electors who are real estate owners, the proceedings at the meeting held for the purpose and at the voting, if the same be necessary, are those hereinafter prescribed.

Notice con-
vening meet-
ing.

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

Who presides.

301. The said meeting is presided over by the mayor or pro-mayor.

If both are absent or unable to act, the secretary-treasurer appoints one of the aldermen to preside.

Secretary of
meeting.

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

If certain time
elapses with-
out poll being
called for, by-
law approved.

302. If more than one half hour elapses after the meeting is opened, without a poll being demanded, the by-law is deemed to be unanimously adopted by the rate-payers interested.

Who may de-
mand poll.

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

Granting of
poll and when
to be held.

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

Mayor, &c.,
may absent
himself
during the
voting, &c.

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

Voting.

305. Each elector presents himself in his turn and gives his vote by "Yea", or "Nay;" the word "Yea" meaning

that he approves of the by-law, and the word "Nay" that he disapproves of it.

The name of the elector and the vote given by him are entered in a special book kept by the secretary-treasurer for the purpose.

Entry in book of persons voting, etc.

306. No one is to be allowed to vote on such by-law, unless his name be inscribed on the last list of municipal electors in force as a municipal elector and real estate owner, or unless he has, since the fifteenth of December previous, paid the municipal dues payable by him, which he may do before his vote is registered.

Who may vote.

The production of his receipts is a sufficient proof to authorize him to vote.

Receipts proof of right to vote

307. At the close of the poll, the mayor or the officer presiding over the voting counts the "Yeas" and "Nays," and, at the first session after the polling, he submits to the council the result of the voting, together with a statement of the value of the taxable real estate of each voter, according to the valuation roll in force.

Counting of votes.

It is certified over the signatures of the mayor and secretary-treasurer, for the information of the council, whether the majority of the votes registered in number and in value of the taxable real estate approves or disapproves of such by-law; the decision of the majority in number shall, however, predominate.

Result to be submitted to council with statement.

Certificate as to whether the majority approves or disapproves.

If the council wishes to examine the poll-books and the assessment roll, they shall be at once submitted.

Examination of poll books, etc., by council.

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

Casting vote of mayor.

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

309. The poll books, as well as the statement and certificate produced, shall be deposited in the archives of the council.

Deposit of poll books, etc., in archives of council.

§ 4.—*Annulment of by-laws, etc.*

310. Any municipal elector, may, in his own name, by a petition presented to the Superior Court, demand and obtain, on the ground of illegality, the annulment of any by-law, resolution, assessment roll or apportionment; but the right of demanding such annulment is prescribed by two months from the date of the passing or completion of such by-law, resolution, assessment roll or apportion-

Who may petition to annul by-laws &c., and when.

If not petitioned against to remain in force.

ment in the terms of article 8 ; and after that delay, every such by-law, resolution, assessment roll, or apportionment shall be considered valid and binding for all purposes whatsoever, provided the subject matter thereof be within the competence of the corporation.

SECTION III.

POWER TO PASS CERTAIN BY-LAWS.

Power to make by-laws for peace &c., of city, and to:

311. The council may make by-laws for the good government, peace, welfare, improvement, cleanliness, health, and internal economy of the city, and for the preservation of order therein, and for the prevention and suppression of all acts and proceedings obstructive thereof or disadvantageous thereto ; and without limiting the effect and purview of the authority hereby granted, such by-laws may be so made for the following, among other purposes namely :

§ 1.—*Miscellaneous by-laws.*

Restrain gambling, &c.

312. To restrain gaming, either by betting, or games of chance, or by colorable sales, or purchases of stocks, shares, or merchandize, without the intention actually to purchase, sell, deliver, or receive the article purporting to be sold ; and also to make any special provision for enforcing, through its officers, the laws against gaming ;

Prevent riots, &c. ;

313. To prevent any riot, disturbance or disorderly assemblage ;

Prohibit cock-fighting, &c. ;

314. To prohibit cock-fighting and dog-fighting and other similar sports ;

Prevent immoderate driving ;

315. To prevent and punish immoderate driving and horse racing in the streets ;

Prohibit prize fighting, &c. ;

316. To prohibit prize fighting, boxing matches or sparring exhibitions ;

Prohibit ill-treatment of animals ;
Prohibit fortune telling, &c. ;

317. To prohibit the ill treatment of any animal ;

318. To prohibit fortune-telling and the use of any subtle craft, means or device, by palmistry or otherwise, to deceive and impose upon any of Her Majesty's subjects ;

To compel proper observance of Sunday, &c. ;

319. For the proper observance of Sunday, and to prevent the opening of public places of amusement in the city on that day ;

320. To prohibit the selling by shop-keepers, pedlars, hotel-keepers, tavern-keepers or other persons, on Sunday, of goods, wares, merchandize or intoxicating liquors, or the purchasing or drinking thereof, in any hotel, tavern or place of public entertainment; and also to enforce the closing of saloons and taverns from seven o'clock or any hour later on Saturday evening, until Monday morning.

However, the council may allow in the city, under such restrictions as provided therein, the sale of fruits, cigars confectionery and temperance drinks on Sunday;

Prohibit selling by shop-keepers &c., on Sunday ;
Enforce closing of saloons on certain days and hours.
Exception for the sale of fruits &c. on, Sunday ;

321. To prohibit games of billiards, pool, mississippi, pigeon-hole, ten pins, bagatelle and other like games, on Sunday, in establishments where spirituous liquors are sold ;

Prohibit games of billiards, &c. on Sunday ;

322. To prohibit the disturbance of any congregation or assembly for religious worship, and to prohibit the distribution of printed hand bills or circulars at church doors on Sunday ;

Prohibit disturbance of congregations for religious worship, etc.;

323. To license and regulate the posting of bills and placards; to prohibit the posting or exhibiting of indecent or offensive placards, paintings, drawings, statues, or inscriptions, in any street or public place, or in any store, or any place visible from such street, or public place ;

License &c., bill posting, &c.;

324. To license, regulate or prohibit musical saloons or establishments where intoxicating liquors are sold, and wherein instrumental or vocal music is used as a means of attracting customers; to license or prohibit the use, by itinerant players of hand organs, or other musical instrument, for pay or in expectation of pay, in any of the streets or public places; to prohibit the sale or exhibition of any lewd book, picture or other thing of an immoral or scandalous nature, or of the performance of any indecent or immoral play or representation ;

License, &c. musical saloons, &c.;

325. To license and regulate the holding of exhibitions of common showmen, shows of every kind, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, minstrels, and any other like exhibition ; with power to prohibit any such exhibition, if deemed expedient ;

License, &c. holding of exhibitions, &c.;

326. To establish a board of health, with such privileges, power and authority, as the council may deem fit; to take means to promote the health of the city; to provide precautionary measures against the introduction of diseases; to make regulations for preventing contagion or

Establish board of health, &c.;

infection therefrom, and for diminishing the danger thereof; and to define and regulate the duties, powers and attributions of health officers;

Enforce vaccination, &c.;

327. To enforce a complete and efficient system of vaccination; to establish offices for that purpose, to appoint officers, to authorize them to make domiciliary visits, to destroy the linen, clothing and any other articles infected with small-pox or any other contagious disease; to isolate patients labouring under any such disease, whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large; to cause any person, who shall have died of any such disease, to be buried within a short delay; and, generally, to take such measures, as the council may deem necessary, to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease; any law now in force to the contrary notwithstanding;

Compel superintendents, &c., of cemeteries to furnish mortality returns, &c.;

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

Prohibit interments in city, &c.;

329. To prohibit all interments in the city, with the exception of priests and nuns, who may be interred in Catholic churches in the city;

Regulate, &c., erection, &c., of unhealthy factories, &c.;

330. To regulate or to prohibit the erection, use or working, in the city, of unhealthy, unwholesome, dangerous, or obnoxious factories or establishments; and amongst other soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on, or of limekilns, 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 workshops 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 city ; provided that such establishments at present existing, in the city are not conducted in accordance with the provisions of any by-law of the city ;

To impose a fine of one hundred dollars for the violation of any by-law made under the authority of this article, and, in default of immediate payment of the fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of such period ; and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ; but, before any prosecution shall be instituted against any person for the violation of the by-law, the council shall give to such person a notice of six months, to be signed by the city clerk ; and such notice shall be valid, as well against the person accused of violating such by-law, as against any person who may afterwards acquire the business or manufactory complained of, or the property wherein the same is carried on ;

Impose fines for violation of by-law under this article;

Notice previous to prosecution.

331. To compel persons, owning or using steam engines, steam boilers, factories, chemical works, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment ; and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this subsection, and, in default of immediate payment of the said fine and costs by the offender, an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ;

Compel persons using steam engines &c., to have smoke consuming appliances &c., and fine them if not;

332. To compel the proprietor or occupant of any lot of land having stagnant and filthy water upon it, or that is in any condition dangerous to the public health, or the agent of the proprietor of such lot, or any person having charge thereof, in the absence of the proprietor, or, in case the proprietor cannot be found, to drain off such stagnant and filthy water, or to fill up and properly level such lot ;

To compel proprietor to drain stagnant waters, &c ;

333. To provide that, in case the owner of such lot cannot be found and there be no person in the occupation

Provide for draining same if owner

cannot be
found, &c ;

tion thereof, and no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse fill up or level the same when so directed by the proper officer of the council, or be unable, for want of means to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the corporation to have the same done, and to provide that the amount expended thereon shall be a special charge upon such lot and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon ;

Compel prop-
rietors to
fence their
lots ;

334. To compel the proprietor of any lot of land in the city to fence in or enclose the same, and to regulate the height and quality of every such fence or enclosure ;

Prevent filth
from being
deposited in
city, etc ;

335. To prohibit any person from depositing in the city, any filth, dirt or other offensive matter whatsoever, and to compel the removal thereof, by the owner or occupant of the premises on which the same may be, and, in default of his so doing, to authorize the removal or destruction thereof by the proper officer, and to recover the cost of such removal or destruction from the party refusing or neglecting so to do ; subject to his right to recover the amount so paid by him from the person making such deposit ;

Prohibit, &c ;
teasing of
wool, &c ;

336. To prohibit and regulate the teasing of wool, hair, and other like articles, and the collection of rags ;

Prohibit, etc ;
raising of pigs
in city ;

337. To prohibit the raising, keeping or feeding of pigs in the city, or such sections of the city as the council may determine ;

Authorize
confiscation
of articles of
food offered
for sale ;

338. To authorize the seizure and confiscation of all or any articles of food and effects offered for sale in the city for or on account of deficiency in measure, weight or quality ;

Regulate
sale of bread
&c ;

339. To regulate the sale, weight and quality of bread to be sold or exposed for sale in the city, and all things concerning the inspection or bread, its seizure, and the manner of disposing of the same after such seizure and confiscation ; and to authorize, for that purpose, any police officer to enter into bakers' or other shops where bread is sold, and to stop bakers' vehicles in the streets for the purpose of examining and testing the weight of bread ;

Regulate sale
&c., of milk,
&c ;

340. To regulate the sale, quality and inspection of milk, and to authorize its seizure and confiscation, with the same powers to the police or health officers as are conferred in the preceding article ;

341. To regulate the sale, by weight or otherwise, of all articles sold or offered for sale or delivered in the city ;

Regulate sale by weight &c., of articles ;

342. To regulate junk stores and shops for the sale or purchase of second-hand goods or merchandize, and to authorize and regulate the granting of licenses to persons keeping such stores or shops ;

Regulate junk stores, &c ;

343. To establish and regulate public markets ; to license private butchers' or hucksters' stalls ; and to restrain the sale of fresh meats, vegetables, fish and other articles usually sold on markets ;

Establish and re-regulate public markets, etc ;

344. To determine the powers and duties of the clerks and other officers employed on the public markets ; to regulate the renting of the stalls and the duties to be paid by persons selling, or exposing for sale, on the markets, meat, vegetables, fruit, or any other thing whatsoever, and also the weighing of meat and any other articles sold or offered for sale on the markets ; to regulate the sale of horses, and to impose a tax on horses sold or exposed for sale by horse-dealers in the city ; and to fix the rates to be paid therefor ;

Determine powers &c., of clerks of markets, &c ;

345. To regulate the kind of the vehicles in which articles may be exposed for sale on the markets, and the manner in which they shall be located on the markets ; to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected ;

Regulate vehicles on markets, &c ;

346. To regulate the duties, powers and attributes of the inspectors of meat, and to authorize the seizure, confiscation and disposal of any meat, or other article of food found to be unwholesome ;

Regulate &c., duties of inspectors of meat &c ;

347. To provide that provisions and provender, usually bought and sold on public markets, that may be brought to the city for sale, or any of them, shall be conveyed to the public markets and there exposed ; and that no such provisions or provender shall be offered, or exposed for sale, or be sold or purchased elsewhere in the city, than on the public markets ; but the council may provide for empowering any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets, and for granting him a license for that purpose, upon payment of such sum, and the performance of such conditions, as shall be fixed by by-law ;

Provide that provisions &c., be sold on markets, &c ;

Proviso.

348. To regulate the hour, manner and route in and by which horned cattle shall be driven in the city, and the destination of cattle intended for slaughter ;

Regulate hour horned cattle shall be driven through city ;

Change &c.,
market-pla-
ces, &c ;

349. To change, enlarge or diminish the site of any market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence, or hereafter to be in existence in the city, and to appropriate the site thereof, or any part of such site, for any other public purpose whatever ;

Establish &c.,
abattoirs, &c ;

350. To establish, regulate and administer public abattoirs, either within or beyond the city limits, that is to say : within a distance of three miles from such limits ; and to prohibit private slaughter-houses in the city ;

Authorize
impounding
&c., cattle &c.,
straying &c ;

351. To authorize the impounding of any cattle, horses, swine, sheep, or goats, found running at large in the streets or public places, and the sale of the same for the fine and expenses ; to fix a tariff of fines to be paid upon such impounding ; and to establish pounds for such impounding ;

Compel
owners of
dogs to take
out license,
&c ;

352. To compel owners of dogs to take out a license for each and every dog, annually ; to authorize the destruction of mad, vicious or unlicensed dogs ; to punish every person who shall keep, or have in his possession a vicious dog, which shall bite or attack the passers-by, or disturb the rest of the citizens ;

Regulate
width of
streets &c ;

353. To regulate the width of streets, and to establish or alter the level of any roadway, or sidewalk in any street ; to regulate all things concerning the streets, parks, squares, bridges or drains, in the city, including the numbering of houses, buildings and fences in such streets, to protect the same from any encroachment or injury ; to close and discontinue any street ;

Proviso.

The width of streets shall be in accordance with the laws in existence in the Province.

Prevent in-
cumbering of
streets &c ;

354. To prevent the incumbering of and encroaching upon the streets and sidewalks ; to prohibit, regulate, or license the sale of any article or merchandize in streets or public places ;

Regulate
awnings &c ;

355. To regulate the placing of awnings, signs, or showboards ; to compel the owners thereof to abate the same, and to prevent the defacing of private or other property by notices posted thereon ;

Regulate, &c.,
planting, &c.,
of ornamental
trees on
streets, &c ;

356. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the city ; to compel any proprietor to plant trees in front of his property, under the direction of the city surveyor, and to authorize the city surveyor to cause such planta-

tion to be made, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city surveyor's order ;

357. To make such provisions as the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses or other buildings ; and, for that purpose, to determine the manner in which such sidewalks and roofs shall be kept, with power to hold the owner, occupant, tenant, or the agent of the owner of every house, or other building, or of any vacant lot in the city, responsible for the due fulfilment of the obligations imposed upon them in that behalf ;

Make provisions for preventing accidents in winter from accumulation of snow, &c ;

358. To prohibit the flying of kites and every other game, practice or amusement in streets or public places, having a tendency to frighten horses, or to injure persons or property ;

Prevent flying of kites, &c ;

359. To determine the direction of natural water-courses passing through private property, and to regulate all matters concerning the same, whether the said water-courses be covered or not ;

Determine direction of natural water-courses, &c ;

360. To regulate the sewerage of the city ; to assess proprietors of immoveable property to defray the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors ; and to regulate the mode in which such assessment shall be made, either by frontage of said property or otherwise, and the manner of levying such assessment ;

Regulate sewerage in city, &c., and assess for cost of common sewers.

361. To regulate the time when private drains may be made, also the manner and material with which the same may be constructed ; the corporation making the same, from the line of the street to the common sewer, and to assess the cost of the same on the owners of such property ;

Regulate when private drains may be made, &c ;

362. The council may also impose an assessment of one dollar and fifty cents per running foot upon the proprietors on each side of St. James street of the city of Ste. Cunégonde of Montreal for the main sewer made therein ; but this article shall not apply to such of the said proprietors as have already paid their share for the said sewer ;

Impose certain assessment upon certain proprietors for certain sewer in St. James street ;

363. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality its share of contribution towards the cost of con-

Extend its main sewer to neighboring municipality

ties and levy contributions therefor ;
How contribution is to be determined.

Payment thereof.

Proviso as to certain contracts.

struction of such main sewers or tunnels, according to the area to be drained and in proportion to the benefit to be derived by such municipality ; the amount of such contribution to be determined by appraisers to be appointed as follows : one by the council, one by such municipality, and a third by a judge of the Superior Court ; provided that, so soon as any such municipality, or any proprietors therein, shall make use of any such main drain or sewer the sum to be contributed by the municipality shall be paid, by means of a sinking fund of two per cent, to be paid annually by the said municipality, until the final redemption of the amount of such contribution ; such amount, or the proportion thereof, remaining unpaid, to bear interest, at the rate of six per cent per annum, payable annually ; provided that nothing in this article contained shall affect the contracts or agreements existing between the city of Montreal and the towns of St. Henri and Ste. Cunégonde ;

Impose tax for laying water-pipes, &c., in streets ;

364. To impose a tax intended to cover the expense of laying water-pipes in the streets, on the immoveables situate in the streets in which such pipes are laid and upon buildings into which water is introduced, and to regulate the levying of such tax to be imposed, either as regards the frontage of the properties or otherwise as well as the method of collecting such tax ;

Sanction the laying of tracks for railways, &c. ;
Regulate number of passengers to be carried ;

365. To sanction and permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city ; to regulate the number of passengers to be carried in each car or vehicle used by such street railway,

Organize fire department, &c. ;

366. To organize the fire department, and to appoint all officers and men necessary for the prevention of accidents by fire, the suppression of fires and the protection of property at fires ; and to provide for the punishment of any person who may interfere with any fireman or member of the fire brigade in the execution of his duty, or who may interfere with, impede, obstruct or injure any of the signal boxes, or the wires or other apparatus of the fire alarm department ;

Authorize demolition of buildings, &c., during fires,

To authorize the demolition of buildings and fences when deemed necessary in order to arrest the progress of fire ;

Compel proprietors of certain buildings to provide fire-escapes ;

367. To compel proprietors of buildings occupied as hotels, theatres, manufactories, schools, places of public entertainment, and such other buildings as the council may see fit to indicate, to provide the same with effectual means of escape ; to cause the same to be inspected, from

time to time, by the inspector of buildings; and to prevent the use thereof until so provided and inspected ;

368. To regulate the mode to be followed and the materials to be used in the erection or repair of buildings with a view to security against fire and the safety of the occupants, with power to hold the proprietor, builder, or person in possession of such building responsible for any contravention of such by-laws ;

Regulate mode to be followed in erecting, &c., buildings:

369. To prescribe and define the duties and powers of the inspector of buildings, and to authorize him and such other officers as may be appointed by the council for that purpose, to visit and examine, in the performance of their duties, as well the interior as the exterior of any house or building ;

Prescribe, &c., duties of inspector of buildings, &c.;

370. To authorize the said inspector to demolish any house or building that may endanger the lives of the citizens ; to cause such house or building to be temporarily vacated, if he deems it necessary ; and to do and perform such work of repair as he may deem necessary for the safety of the structure, and to authorize the recovery, from the proprietor, of the cost so incurred ;

Authorize inspector to demolish dangerous buildings, &c.;

371. To regulate the construction, dimensions and height of chimneys ; and, in cases where any building is elevated above any adjoining house or building, to authorize the inspector of buildings, or other officer, to determine, by whom, at whose cost, in what manner, to what height, and within what delay, the chimneys to the less elevated house or building shall be raised, so as to continue their efficiency, and so as not to endanger the adjoining or neighboring property ;

Regulate construction, &c., of chimneys, &c.;

372. To regulate the sweeping of chimneys by licensed sweeps, and to establish a tariff of rates therefor ;

Regulate sweeping of chimneys;

373. To regulate the erection, use or employment of steam engines and steam boilers, electric dynamos and other electric machines, and the qualifications of persons charged with the working of the same, their examination and license ;

Regulate, use, &c., of steam engines, &c.;

374. To prohibit, regulate or license the storage of petroleum, coal oil, benzine, naphtha and other inflammable liquids ; and also of explosive substances in the city ;

Prohibit, &c. storage, &c., of petroleum &c.;

375. To prohibit or regulate the sale and use of fireworks, fire-crackers and all other explosive missiles ;

Prohibit sale, &c of fire-crackers;

Require sanction of council before lumber, &c., stored in city, &c.;

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

Prevent bakers, &c., having ovens, &c., unless connected with chimneys, &c. ;

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

Regulate, &c., carters, &c. ;

378. To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandize, whether such owners reside in or outside of the city ; to provide for the good government and discipline of the drivers of such vehicles for hire ; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by tariff ;

Prevent non-residents from carrying on trade, &c., in city without license ;
 Proviso ;

389. To prevent any person, residing beyond the city limits, from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business ; provided that there be no discrimination against such person ;

Regulate duties of masters and servants, &c. ;

380. To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers ;

Protect citizens at railway stations, &c. ;

381. To take all possible means to protect the citizens in the streets and public places, at railway stations and passenger steamboat wharves ;

Means to be taken in such view ;

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

382. To prevent the obstruction of the streets by cars, or trains of cars, locomotives or other engines of railway companies; and determine what precautions the conductors, engine-drivers or stokers of such trains, cars or engines shall take, when crossing or about to cross the streets in the said city ; and impose, either on the said servants of the said railway company, or on the company itself, a fine for each infringement of the by-laws passed for that purpose ;

Prevent obstruction of streets by cars, &c.;

383. To regulate the lighting of the city by gas, electricity or otherwise ; to protect the lamps and lamp-posts in the streets and public squares ;

Regulate lighting of city by gas, &c.;

384. To authorize the issue and signature of licenses, and to prescribe the manner in which such licences shall be issued and registered ;

Authorize issue, &c., of licenses, &c.;

385. To create and establish, out of the general funds of the city, a superannuation fund for the officers and employees of the corporation, upon such conditions, and stipulations as the council may determine ;

Create superannuation fund for employees;

386. To regulate the cutting of ice for the supply of the city, and to prescribe the localities where such ice may be cut ;

Regulate cutting of ice, &c.;

387. To provide for the paving with stone or asphalt of any private lane in the city, and to assess the cost of the same on each proprietor in such lane, according to frontage ;

Provide for paving streets &c.;

The assessment roll in such cases to be prepared by the city surveyor, and the amount levied to be collected in the same way as other special assessments are collected.

How assessment roll for such purpose is to be prepared.

388. To regulate, prohibit or restrict all games with cards or dice or other games of hazard, with or without bets, in any hotel, restaurant, inn or shop, whether licensed or not, in the city ;

Regulate, &c., games, &c.;

389. To arrest on the spot and punish persons who are found therein, while playing at cards or dice or other games of hazard ;

Arrest persons gambling, &c.;

390. To suppress and punish vagrants, beggars, prostitutes and disorderly persons ;

Punish vagrants, &c.;

391. To suppress and close all houses of prostitution or of ill-fame, and arrest and punish the inmates and frequenters thereof ;

Suppress houses of prostitution;

Compel closing of stores on Sunday ;

392. To compel the closing of all stores or shops and photographers' and barbers' establishments, throughout the whole day on Sunday ;

Prevent persons bathing in public waters ;

393. To prevent persons from bathing or washing themselves in public waters, or in the open air, close to public roads or squares ;

Prohibit, &c., removal of buildings through the streets ;

394. To prohibit the transport or removal, through the city, of any house or building, without a special permit from the council, and on payment of such compensation as the council may exact ;

Damages occasioned by such removal by whom payable.

Every person, so transporting or removing a house or building, shall be responsible for the damages which may be caused to the city by injuring the trees or streets or underground pipes.

Prevent entering sheds, &c., with lights, &c. ;

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

Prevent lighting fires in out-houses ;

396. To prevent any person from lighting or keeping a fire in any out-house, pig-sty, barn, shed or other building, otherwise than in a chimney or a metal stove ;

Prevent persons carrying fire through streets, &c. ;

397. To prevent any person from carrying fire over any public street, or in any garden, yard or field, otherwise than in a metal vessel ;

Compel &c., owners to keep doors of hay-lofts shut, &c. ;

398. To compel the owners or occupants of barns, hay-lofts, or other buildings containing combustible or inflammable substances, to keep the doors thereof shut ;

Prevent depredations at fires, &c. ;

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

Compel telegraph &c., companies to place wires &c., underground and remove poles &c., and regulate manner in which electricity shall be supplied for lighting, &c. ;

400. To compel telegraph, telephone or electric light companies to lay their wires underground within the limits of the city and cause the poles to be removed ; to define and prescribe the manner in which electricity shall be supplied and applied for lighting, the intensity and strength of the currents and the insulation of the wires ; and it may generally adopt all measures necessary for the protection of the life and property of the citizens : amongst others, construct or cause to be constructed subterranean tubes in the streets and lanes of the city for receiving the telegraph, telephone and electric light wires of the various

companies, and other similar companies, in consideration of such annual remuneration as the council may determine with the consent of the said companies, or, in default of an agreement, the remuneration shall be determined by arbitrators, one of whom shall be appointed by the city and the other by the said companies, and if they differ in opinion the said arbitrators shall appoint a third, and if they do not agree upon the choice thereof the superior court shall appoint the third ;

401. To regulate the weighing and measuring of all ^{Regulate weighing &c., of lumber &c., hay, salt, &c;} lumber for building purposes, sawn lumber, fire-wood, coal, salt, grain, lime and hay brought or sold in the city by strangers or by persons residing therein.

§ 2.—*Establishment of a police force.—Maintenance of the peace. Enforcing of by-laws.*

402. The council may establish, regulate, arm, lodge ^{Establishment of police force.} clothe and pay a police force in the city, and determine the duties of the officers and men of such force or constables, for maintaining peace and good order and for the observation of the municipal by-laws in the city and on the Lachine Canal, within the limits of the jurisdiction of the council.

403. All the constables have the necessary powers for ^{Powers of constables.} the performance of the duties imposed on them within the limits of the city and outside thereof, upon all wharves, and bridges upon the ice and water, on any boat or vessel on the Lachine Canal, within the limits of the jurisdiction of the council.

404. The powers of the police constables extend to the ^{Extent of powers of constables.} whole district of Montreal, but they cannot act outside of the limits of the city without the written authorization of the mayor or an order from the Recorder's Court.

405. Every constable, policeman or police officer who ^{Punishment of constables &c., for misconduct.} is guilty of disobedience, insubordination, drunkenness, neglect, bad conduct, abuse of power, partiality or malfeasance in the performance of the duties imposed on him by law, incurs, upon conviction of such offence before a magistrate or before the Recorder's Court, a fine not exceeding forty dollars.

406. The mayor or the council may suspend or dismiss ^{Power to dismiss &c., constables.} any constable who is guilty as aforesaid.

407. All and every such police officers or constables ^{Power of police officers to arrest on} may arrest, on view and without a warrant, any person

view person
disturbing
the public
peace &c.

they may find breaking the public peace, or lying or loitering, either during the night or daytime in any highway, field, yard or other place, or lodging or sleeping in any barn, out-house or other unoccupied building, or under any tent, cart or other vehicle, and not giving a satisfactory account of himself, as well as any person drunk, shouting, swearing or causing tumult on the public roads or highways, wharves, bridges or on any part of the Lachine Canal, or in any vessel, within the limits of the city, and all persons contravening or advising, aiding or encouraging any person whomsoever to contravene any federal or provincial law, or any by-law of the city.

Power to
arrest imme-
diately after
commission
of offence.

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

Power to
arrest beyond
city limits
certain
offenders.

408. They have also the power and authority to arrest, in the execution of their duty, even without the limits of the city, all persons who have contravened any federal or provincial law within the limits of the city, or any by-law of the city, or who have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law.

Power to
enter houses
&c., for
certain
purposes.

409. Any police officer or constable of the said city may go into any house, store-house, grocery store, shop, inn or other suspicious house, and go into any yard or other place, within the limits of the city, in which any person may be reasonably suspected to be for evil motives, or when there is reason to believe that some stolen articles have been hidden or received therein; and if any such person be found in such places, the said police officers or constables shall arrest, on view and without a warrant, and shall keep in custody, any such person.

Power to enter
inns, &c., for
certain pur-
poses, &c.

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

Power to serve
summonses,
&c.

411. The constables have power and authority to serve all summonses and subpœnas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for examination or for trial, or arrested in virtue of a warrant of arrest for the commission of any crime or misdemeanor, or the

violation of any federal or provincial law, or any by-law of the city.

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

413. Any constable shall, if he is so required by the mayor or by another member of the council or by the council itself, apprehend and arrest on view and without warrant all persons found contravening the provisions of any by-law of the council punishable by fine, if it is so ordered by the by-law, and bring them before any justice of the peace to be dealt with according to law. Constables to arrest on view on orders of members of council.

414. It is lawful for any one of the members of the said city council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said city, and within the limits prescribed in articles 21, 42, 403 and 404 on the Lachine Canal, and to confine him in the common gaol of the district, or other place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace, to be dealt with according to law. Members of council may order arrest of drunken, &c., persons disturbing the peace.

415. Every person who assaults, beats or forcibly resists any constable or peace officer engaged in the execution of his duty, or who aids or excites any other person to assault, beat, or forcibly resist such officer or constable, is liable, upon conviction thereof before the mayor or a justice of the peace or the recorder, to a fine of from four to forty dollars or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary. Penalty for assaulting constables, &c., on duty.

It is lawful for the council or such constable, if the offense be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted. Offender may be proceeded against by indictment.

416. Any constable may arrest on view, either by day or night, any one infringing any of the by-laws of the city, by refusing to pay the hire of any licensed carter's vehicle, and to bring him immediately before a member of the council or before a magistrate, if it be in the day time, or to hand over such person to the guardian of the prison or other place of detention, if it be at night, to be afterwards dealt with according to law. Constables may arrest persons refusing to pay hire of carters, &c.

Constables when ordered so to do may inspect buildings, &c.,

417. Upon an order of the council, the mayor or recorder, any constable may inspect and examine, at any hour of the day or night, any moveable or immoveable property, the interior or exterior of any yard, house or building whatsoever, and also inspect the interior of any craft or vessel within the limits of the jurisdiction of the council on the Lachine Canal, in order to ascertain whether the by-laws of the council are observed, or for the purpose of arresting any one.

Owners to admit constables under penalty.

The owners or occupants of such moveables or immoveables are bound to receive and admit such constable, under penalty of a fine not exceeding forty dollars.

Constables to obey orders of certain persons.

418. All the constables shall obey the lawful orders they may receive from the council, from any of the members thereof individually, or from any justice of the peace for the district of Montreal.

Persons arrested to be conveyed to gaol or to lock-up.

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

May give bail, &c.

Sheriff and gaoler bound to receive prisoners.

420. The sheriff and gaoler of the district of Montreal are bound to receive, and safely keep until duly discharged, all persons committed to their charge by the council, or any member or officer thereof under the authority thereof, or upon a warrant from the recorder, or arrested by a policeman or constable.

Council may acquire lock-up, etc.

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

§ 3.—*Government of the council and of its officers.*

Council may :
Regulate manner of conducting debates :

422. The council may, by by-law :
Regulate the manner of conducting its debates, and the maintenance of order during the sessions of the council or of its committees :

Determine the date of the ordinary sessions of the council and the number of days they shall last ;

Determine date of sessions ;
Define duties of officers ;

Define the duties of the officers of the council which are not determined by this act.

§ 4.—*Subsidies.*

423. The council may subsidize one or more railway companies, whose lines may offer advantages to the travelling public and for the transport of freight and which may further the progress of the city on suitable conditions.

Subsidize railway companies ;

424. It may aid in the building or repairing of any macadamized or paved road, railway or other public work, situate, in whole or in part, within the city or its vicinity.

Assist building, &c., of roads, &c ;

425. It may aid one or more persons or firms or joint stock companies already established or to be established, which carry on or propose to carry on any trade or industry in the city.

Assist persons to carry on trades, &c.,

426. The council may agree with any person, firm, association or company which has already established or proposes to establish any industry or manufacture, to grant a certain sum payable annually, for a period not exceeding ten years, as commutation for all taxes on the property used for such industry, as well as on such industry itself.

Grant commutation of taxes to assist industries ;

It may also, with a view of encouraging such industry or manufacture, exempt such property or industry from all taxes for a period not exceeding ten years.

Exempt property for certain time from payment of taxes ;

427. The council may, by by-law, exempt from municipal taxes, in whole or in part, for a period not exceeding twenty years, any industry, trade, manufacture or factory to be established within the limits of the city, as well as the land and immoveables required for the use of such industry, trade, manufacture or factory.

Exempt for certain time from taxes any new industry.

No exemption can extend to the work to be done or apportionments for work to be done to water-courses, drains, line ditches, fences, front roads or streets.

Exemption not to extend to certain rates.

428. The aforesaid subsidies may be granted :

1. By taking, subscribing and paying for, in money or city debentures, shares in companies already formed or projected and for which such subsidies are intended ;

How subsidies may be granted.

2. By giving or lending money, immoveable property or city debentures bearing interest, or both interest and sinking fund, to such persons or companies, or to the Federal or Provincial government ;

3. By guaranteeing, by endorsement or otherwise, any sum of money borrowed by such persons or companies or by the said governments.

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

430. Every by-law passed in virtue of this act may include the levying and collection of a special tax upon all the taxable property to cover the sinking fund and interest, which shall not exceed five per cent.

431. By-laws made in virtue of articles 423, 424, 425 and 428 shall determine the nature of the aid to be given and the conditions under which it is granted.

432. By-laws passed by the council, in virtue of articles 423, 424, 425 and 428, remain in force for twelve months after they are finally adopted ; they become null if, during that time, the interested parties do not avail themselves thereof, unless it be otherwise provided in the by-laws themselves.

433. Every by-law passed by the council, in virtue of articles 423, 424, 425 and 428, when the sum granted, lent or to be guaranteed, exceeds the amount of one thousand dollars in capital, shall, before being finally sanctioned by the council, be submitted for the approval of the municipal electors of the city who are real estate owners, at a general meeting held within thirty days after the by-law is passed by the council.

434. If, at the expiration of six months from the final passing of the by-laws granting subsidies, the interested parties have not availed themselves thereof, the council may, upon a three-fourths' vote of the members assembled in a special meeting, give the benefit of the same to one or more other persons or companies already founded or projected.

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

§ 5.—*Indemnities, reliefs and rewards.*

436. The council may indemnify persons whose property has been destroyed or injured, either wholly or in part, by rioters or persons tumultuously assembled, within the limits of the city. Council may : Indemnify for property damaged by rioters, &c.;

The council is authorized to levy, over and above any other tax, on the taxable property of the city, the amount which the corporation may be bound to pay for damages occasioned to property by rioters or persons riotously assembled. Levy amount of damage;

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

437. The council may relieve any person who has received any wound or contracted any sickness or disease working to stop a fire ; Relieve persons wounded, &c. at fires ;

438. Grant rewards, in money or otherwise, to any person who performs a meritorious action at a fire, or who saves or endeavors to save any one from drowning, or from a serious accident ; Grant rewards for meritorious action at fires &c.;

439. Provide for the wants of the family of any person who loses his life at a fire, or while saving or endeavoring to save the life of a fellow-creature ; Provide for wants of family of any persons losing his life at fire &c.;

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

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

442. Offer and give rewards for the discovery and arrest of persons who have committed criminal offences. Offer rewards for discovery of criminals, &c.;

§ 6.—*Licences for the sale of liquor.*

443. The council may prohibit the sale of all spirituous, alcoholic, vinous or intoxicating liquors to women, children, apprentices or servants ; Council may prohibit sales of liquor &c., to certain persons ;

444. Prohibit the sale of spirituous, vinous, alcoholic and intoxicating liquors or allow the same under proper conditions and restrictions ; Prohibit sales of liquor &c.;

Limit number of license &c; **445.** Limit and determine the number of licenses which, the collector of provincial revenue for the district may grant for the sale of intoxicating liquors in taverns, inns and other places of public entertainment or in shops and stores ;

Regulate shop keepers, &c.; **446.** Regulate shopkeepers, innkeepers and other persons who retail liquors, as the council may deem expedient, in order to prevent drunkenness and disorder by day and by night.

Sum payable on confirmation of tavern, &c., certificates. **447.** A sum of twenty five dollars is payable to the town of Ste Cunegonde for every confirmation of a certificate for obtaining an inn, restaurant, hotel, shop or store licence for the sale of spirituous liquors.

When by-laws under preceding articles come into force. **448.** Every by-law passed under the preceding articles, either for prohibiting or limiting the sale of intoxicating liquors and the granting of licenses to that effect, or for repealing a similar prohibition or limitation by-law, comes into force only from the first of May following its promulgation, provided however that an authentic copy has, before that date, been sent to the collector of provincial revenue of the district.

TITLE XI.

STREETS AND HIGHWAYS.

Maps &c., of wards, when confirmed by Superior Court, to be binding on the corporation and persons interested. **449.** Every plan or map of a ward, already made or which may hereafter be made, when confirmed by the Superior Court, is binding upon the corporation, and the proprietors therein interested, and upon all other persons whomsoever ; and no indemnity or damage can be claimed or granted at the time of the opening of any of the new streets, public places or squares, shewn on the said plan, or at the time of the widening of any of the streets, public places, or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made, or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, public places, or squares, or for the widening of any of the streets, public places, or squares of the city ;

Proviso. Provided that nothing contained in this act shall be construed as depriving the corporation of the right of widening or extending any of the streets, public places, or squares designated in such plan, after its confirmation or of abandoning the opening of any new street or the widening or extending of any existing street, as shown on the said plan ;

But no such modification or alteration shall be made unless it be resolved upon at a meeting of the council at which the majority of the members are present, upon a petition to that effect from a majority of the proprietors in the street or part thereof proposed to be changed, and thereupon any of the judges of the Superior Court may, upon the petition of the corporation, order that the duplicates of said plan, deposited as hereinafter provided, be modified or altered accordingly.

Modifications
how resolved
upon.

450. A duplicate of each of the said plans shall be deposited, immediately after its completion, in the office of the prothonotary of the Superior Court, and another in the archives of the corporation ; and, when such plans shall have been confirmed and ratified by the said court, the city clerk shall make an entry upon the duplicate of the said plans, deposited in the archives of the city, in the following words : “ confirmed by the Superior Court on the day of one thousand eight hundred and .”

Duplicate to
be deposited
in office of
prothonotary.
Entry thereon
when homo-
logated.

451. The city may open to the public any new street, highway, public place, or square, shewn on the said plans or maps ; and also may widen any of the streets, public places or squares thereon indicated as to be widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments ; and may also open, extend or widen any street, public highway, place or square, or acquire property for the establishment of markets, police stations, or for any other municipal purpose ; and may also, at the same time, determine that such improvements shall be made out of the city funds, or that the cost thereof shall be assessed, in whole or in part, upon the immoveables belonging to parties interested in, and benefited by such improvement ; and for that purpose the city may acquire, take and enter upon any land, ground or immoveable property in the city, in the manner hereinafter provided.

City may open
streets, &c.

Determine
how cost
shall be paid.

452. The city may also open, fix the grade and level, or widen streets or highways and extend the same, and establish public abattoirs, parks, squares or hospitals, beyond the city limits, and may acquire any land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed, in and by this act, for the acquisition of land for similar improvements in the city ; but, before exercising any of the powers hereby conferred upon it, the city shall obtain the consent of the municipality within the limits of which such powers are to be exercised.

City may
extend &c.,
streets &c.,
establish
abattoirs &c.,
beyond city
limits.

Consent re-
quired.

City may cause streets etc., to be recorded so as to become public, &c.

453. The city may cause such of the streets, lanes, highways and public squares, or any part thereof, as have been acquired by the city, or open for public use for ten years, and not heretofore recorded or sufficiently described, to be described and recorded in a book or register to be kept for that purpose by the city surveyor ; and the same, when so entered of record, shall be deemed to be public highways or grounds ; and an extract from such record or register, certified by the city surveyor and city clerk, shall, in all cases, be held and taken as conclusive evidence that such streets, lanes and highways are public.

Changes in names of streets, &c. to be notified to registrar of county.

454. If any change be made by the council in the name of any street or public square, the city surveyor shall report such change without delay to the registrar of the county.

Permission required before railway can lay rails in streets.

455. No railway company can lay its rails in any street of the city without the permission of the council, except in so far as such rights may have been heretofore granted to it by the Legislature.

TITLE XII.

WATER-WORKS.

Council may maintain, &c. water-works ;

456. The council may maintain, improve, increase, enlarge, alter or remove the present water-works or a portion thereof, with its appurtenances and accessories, within the limits of the city, and outside of the same within a radius of five miles.

May maintain existing by-laws, &c.

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

Council may make buildings, &c. within certain radius for water-works.

457. The council may make, construct, lay and maintain, within its limits, and outside of the same within a radius of five miles, all buildings, machinery, reservoirs, basins, pipes and other works necessary to conduct water throughout the city and parts adjacent, as aforesaid, as well as in the River Saint Lawrence and Rivière St. Pierre.

Powers of council for water-works extend to certain radius.

458. The powers of the council for conducting water throughout the city and for the construction and maintenance of all buildings, machinery, pipes, reservoirs, basins and other apparatus and works, extend beyond the limits of the city within a radius of five miles and over the River Saint Lawrence or the Rivière St. Pierre.

459. For the purposes of the water-works, the council may acquire and hold any land, servitude, and usufruct in the city, or within a circuit of five miles from the city limits; acquire a right of way wherever it may be necessary; pay any damages occasioned by such work either to buildings or lands; pass over and lay its pipes or other apparatus in the River Saint Lawrence or the River St. Pierre, and take all steps necessary to protect all apparatus or works which may be laid or made.

Power of council to hold land, &c. for water-works.

460. The council may prevent all persons from throwing filth, placing obstructions or committing nuisances, or from anchoring, placing or wintering any boat, or other vessel within a radius of four hundred feet above and fifty feet below the place where the water of the water-works is drawn from the river or from any other place where it may draw the same hereafter.

Council may prevent filth being thrown in water-works, &c.

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

Council may contract for construction of water-works, &c.

462. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immovable property for the water-works, either within or without the city limits, or the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner herein provided with respect to expropriations generally.

Expropriation for purposes of water-works.

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

Power to enter land for purpose of laying, &c. pipes, &c.

464. If any person prevents the city, or any person in its employ, from making any of the said works, or from exercising any of the powers and rights hereby granted to it, or embarrasses, or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person is liable, in addition to the fine im-

Persons preventing city from making works liable to damages in addition to fine under articles 283 and 284.

Suits therefor. posed under articles 283 and 284, to the damages that the city may suffer from any such act ; such damages, with costs, may be recovered by complaint or suit before the ordinary courts having jurisdiction in the matter.

Penalty on persons using water without consent of corporation.

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

Power of council to make by-laws: To prohibit occupants of houses &c., from furnishing water to others &c ;

466. The council has full power to make by-laws for the following purposes :

1. To prohibit any occupant of a house or building supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it ;

To prescribe size of pipes, &c ;

2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city ; provide that hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; and fix the amount of the annual rent to be paid therefor ;

To regulate price of water ;

3. To regulate and establish, by a tariff, the price of the water, and the time and mode of payment therefor ;

To prevent pollution of water, etc ;

4. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the city, with regard to the supply of water from the water-works ;

To make general regulations respecting water-works. Notice to be given when corporation is ready to supply water and effect thereof.

5. And for any other matter, or thing of any nature or kind whatsoever, having reference to the water-works.

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

Water by whom introduced and by whom distributed.

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

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

469. If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rates from the tenant, then such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease.

Tenant may withhold from rent water rates in certain cases.

470. If any person causes any water pipe, valve, cock, cistern, water-closet, bath, or other apparatus to be out of repair, or to be so used or contrived as that the water supplied from the water-works, be wasted, or unduly consumed ; or if he refuses or neglects to pay the rates lawfully imposed for the water supplied to him, for thirty days after the same are due and payable, the city may cut off the water and cease the supply so long as the cause of complaint is not removed ; which shall not prevent the rates from running as before, or exempt such defaulter from the payment of such rates, as if the water continued to be supplied to him.

Water may be cut off in certain cases.

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

Special agreements as to water supply may be entered into.

472. In all cases of a dwelling house or other building being tenanted by two or more tenants, sub-tenants or families, the city may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, sub-tenant or family, occupying separate apartments, so that the city may at all times have control over the supply of water furnished to each such tenant, sub-tenant or family, the same as is practised in cases of houses having a single tenant ; and if the proprietor, after being notified in writing to that effect by the superintendent of the water-works, refuses or neglects to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, sub-tenants or families, and such liability, on the part of the proprietor, shall continue so long as he does not comply with the requirements aforesaid.

Corporation may require separate pipes for separate tenants &c.

Proviso if proprietors neglect so to do.

Application to proprietor of range of dwelling houses.

473. Such liability shall apply to any proprietor of a range of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid; such liability also applies to the proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling-house, is such that it is impossible to provide a separate service pipe for each of them; and it shall be lawful for the corporation, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, sub-tenant or family.

City not bound to guarantee water supply.

474. The city shall not be bound to guarantee the quantity of water to be supplied, and no one can refuse to pay the annual tax or compensation for the use of the water, on the ground of the insufficiency of the supply thereof or the want of water owing to cold or other causes.

City authorized to enter into agreements respecting water-works of Ste. Cunégonde and St. Henri, &c.

475. The city of Ste. Cunégonde of Montreal is authorized to enter in to all contracts or agreements which it may deem necessary and useful with reference to the ownership, management or working of the water-works of Ste-Cunégonde and St-Henri and other adjoining municipalities.

Town of St. Henri authorized to enter into agreements for the purchase of water-works in town and in Turcot village.

476. Whereas it would be advantageous for the town of St. Henri to purchase the whole or a portion of the rights in the water-works situate in the town of St. Henri and Turcot village, heretofore the property of Messrs. Berger and Béique and now vested in the city of Ste Cunégonde of Montreal, as well as in the appurtenances of such water-works, which appurtenances are situated partly in the city of Montreal and partly in the city of Ste Cunégonde of Montreal; whereas it would be advisable to remove all doubts as to the interpretation of existing laws, the town of St. Henri is authorized, by its council to enter into all contracts, covenants or agreements which may be deemed necessary and useful for the purchase of the whole or a portion of the rights in the said water-works and appurtenances.

TITLE XIII.

FINANCES.

Fiscal year.

477. The fiscal year in the city of Ste. Cunégonde of Montreal shall commence on the first of January, and terminate on the last day of December, in each year;

but the taxes and assessments, and the water rates shall be held to be imposed and levied for the period of time comprised between the first day of May of each year and the same date of the subsequent year. Term for which assessments are levied.

478. Every year during the first week of January, the finance committee shall make an *interim* appropriation for the ordinary current expenses of the city, during the period of the fiscal year, between the said first day of January, and the making of the appropriation hereinafter provided for ; which, on being approved by the council, will have force until such last mentioned appropriation is made. Interim appropriations for year, when to be made.

Thereafter, on or before the first day of May, the council shall made an appropriation of the amounts necessary to meet the expenditure of the current fiscal year, by providing : Appropriations thereafter and what to provide for.

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

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

3. For the cost of contemplated improvements ;

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

479. Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts remaining unexpended. Appropriations not to exceed certain sums.

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

481. Any member of the council who joins in sanctioning the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council, or of any committee, in conformity with the foregoing articles, is personally responsible therefor. Members to be responsible for such expenditure.

482. In cases of urgent necessity, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal ; provided that, by such by-law, an additional assessment shall be imposed, payable during the course of the year in which such by- Appropriations in cases of urgency.

law is passed, and sufficient to cover the amount so appropriated ; which assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act.

Certain articles not to apply to water-works.

483. Articles 478, 479, 480, 481 and 482 do not however apply to the revenues from the water-works, which are set apart for the expenses daily incurred in the management of the affairs of the city and for the working, maintenance and improvement of the water-works of the city and of St. Henri.

TITLE XIV.

LOANS.

Council may borrow for improvements.

484. The council may borrow, various sums of money, for the purpose of improvements in the city, and generally for all objects within the scope of its authority.

Provisions may be made for sinking fund and interest.

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

Rate of interest on debentures.

The annual rate of interest shall in no case exceed the legal rate of interest in this Province.

Investment of sinking fund

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

Deposit of amounts of sinking fund with lenders.

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

Receipts to define sum so deposited.

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

Council may issue promissory notes, &c.

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

Payment of floating debts, &c.

489. The council may always, upon a favorable report of the finance committee, make by-laws for authorizing the issue of debentures or promissory notes to pay floating debts or meet engagements contracted or to re-

new or redeem, on more advantageous conditions, any debentures in circulation.

490. It may issue debentures, with coupons of the same date and tenor, to the amount of the total debt of the city, in order to consolidate the same; and all debentures so issued shall be equally privileged upon all the moveable and immoveable property in the city.

Debentures may be issued to consolidate city debt.

491. The notes of the corporation are signed by the mayor and the secretary-treasurer.

Notes by whom signed.

492. The debentures are signed by the mayor and secretary-treasurer; but the signature of the mayor may be lithographed upon the coupons.

Debentures by whom signed.

They shall be sealed with the seal of the city,

Seal thereon.

493. The debentures can never be for less than one thousand dollars currency, or the equivalent thereof in foreign currency.

Amount of debentures.

494. The debentures of the city may be made payable to order or to bearer, on the terms and conditions and at the places specified by the resolutions or by-laws authorizing the same.

Debentures how payable.

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

Coupons.

The coupons may also cover a sinking fund,

Coupons for sinking fund.

495. The principal and interest of every note, bond or debenture, are secured on the general funds of the corporation.

Security for notes, bonds, &c.

496. The total issue of debentures of the city, as well as the amount representing the floating debt, shall never exceed in capital amount, a sum of over twenty per cent of the total estimated value of taxable real estate in the city according to the last valuation roll then in force.

Total amount of debentures that may be issued.

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

If estimated value of real estate shows a reduction no further debts to be incurred.

Annual expenditure in such case.

498. Each member of the council, as well as the secretary-treasurer shall be held personally responsible for his share of the deficit; and any rate-payer may sue for the

Responsibility of members of council, &c., for

share of deficit. recovery of such sum, which shall revert to the municipal treasury.

Sinking fund. **499.** In creating a sinking fund for the municipal debt, the council may provide for the redemption of the debentures of the city or of those of other municipal corporations.

Application of moneys from sale of lands, &c. **500.** No moneys derived from the sale of land, bonds, shares or securities deposited in an incorporated bank, or destined for the sinking fund, shall be withdrawn for the purpose of being appropriated to a different object, without the passing of a by-law, sanctioned by the Lieutenant-Governor in Council.

Preamble respecting Ste. Cunégonde and St. Henri water-works. **501.** Whereas the town of Ste. Cunégonde, duly authorized by the act 52 Victoria, chapter 84, has acquired from the proprietors of the water-works of Ste. Cunégonde and St. Henri, all the rights and privileges, which the said proprietors possessed in the said water-works, in Ste. Cunégonde and St. Henri and other adjoining municipalities ;

Whereas the said town, by the said act, and by its by-law No 44 passed on the second of October, one thousand eight hundred and eighty-nine, and submitted and approved by the majority in number and in value of the electors who are property holders on the twelfth and thirteenth days of October, one thousand eight hundred and eighty-nine, is authorized to effect a loan and to issue bonds or debentures to the amount of four hundred thousand dollars ;

Corporation may issue bonds for acquisition thereof. The corporation is authorized, notwithstanding any provision to the contrary, by a resolution of its council to issue bonds or debentures to the amount of four hundred thousand dollars on the terms, charges and conditions contained in the said by-law No 44.

Application of proceeds of such debentures. The proceeds of such debentures shall be appropriated to the payment of such water-works and other purposes of public interest.

Debentures to be a privileged claim on water-works. Such debentures shall be a privileged claim and lien upon the immoveables and accessories which may constitute the said water-works in the city of Ste. Cunégonde of Montreal,

TITLE XV.

TAXATION

Council may levy: **502.** The council may make by-laws to impose and levy :

1. An assessment on every lot, town lot or portion of a lot, whether built upon or not, with all buildings and erections thereon, as well as upon all gas pipes or others and their accessories, whether placed over or under the soil, not to exceed one cent in the dollar of the actual value of such property, as shewn in the assessment roll of the city, for which assessment the owner thereof shall be personally liable; Assessments on town lots, lots, &c. ;

2. A special tax upon carters doing business in the city ; upon proprietors of horses, vehicles and dogs, for each horse vehicle or dog ; upon brokers, money-lenders or commission merchants, upon pawn-brokers and auctioneers ; upon clubs ; upon the proprietors or occupants of houses of public entertainment, hotels, saloons, inns, coffee-houses, and restaurants, temperance hotels, and upon all dealers in spirituous liquors and upon all pedlars and itinerant traders selling or offering for sale in the said city articles of commerce of any kind whatsoever, and upon all proprietors, possessors, agents, managers or occupants of theatres, circuses, menageries and minstrels, and upon all public places of amusement kept open for profit ; upon billiard tables, mississippi or pigeon hole tables, bowling alleys and other similar games ; upon all livery-stable keepers, and upon all grocers, bakers, butchers, hawkers, hucksters, brewers, distillers, and upon all traders and manufacturers and their agents, and upon all proprietors and keepers of wood-yards, coal yards and slaughter-houses in the city, and upon all building societies, and upon all insurance companies and their agents and employees, whether they reside in the city or not, and upon all gas, telegraph or telephone companies doing business in the said city, and generally on all commerce, manufactures, callings, arts, trades and professions which have been or may be introduced or exercised in the said city ; and the amount of such annual dues or tax or taxes shall be fixed and determined by one or more by-laws of the said city or by resolution of the council and shall be fixed and determined by the council at its discretion, either in certain cases by a specified sum, or in other cases by a percentage upon the annual value of the property and premises occupied by the said parties in the city, and in or upon which they do business or carry on or exercise such trade, manufacture, occupation, business, art, profession or means of livelihood or profit ; provided that in no case, shall any of such amounts exceed three hundred dollars per annum. Special tax upon certain trades, business, callings and occupations. How taxes to be fixed.

503. Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually and at the time fixed by such by-laws or resolutions. Taxes payable annually.

Cadastral number sufficient designation of immoveable.

504. The cadastral number, given to immoveable property upon the official plan and in the book of reference for the territorial division in which such property is situate, is a sufficient description of such property in the assessment rolls to enable the city to levy the assessments thereon.

If subdivision of property not registered it may be assessed as a whole.

505. Whenever the subdivision of such property has not been duly registered in the registry office, in the limits whereof such property is situated, the assessors may assess it as a whole, and it shall be lawful for the city to levy such assessments on the whole or on any part of such property ; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately.

If registered it must be taxed on each lot.

Tax payable under art. 502 § 2, to be payable for each establishment.

506. The tax imposed, under paragraph 2 of article 502, on trades, business or occupations, is payable for every establishment of such trade, business or occupation in the city, when it shall be carried on by the same person, firm of persons or company in two or more distinct and separate buildings or places of business.

Special tax may be in form of license.

507. Every special tax imposed as aforesaid may, in the discretion of the council, be imposed and levied in the form of a license ; and thereupon such tax shall be payable annually, at such time, and under such conditions and restrictions as the council may determine.

Taxes upon partners, &c., how to be levied.

508. In the case of any tax imposed on the partners of a firm or company of merchants, in respect of the business of such firm or company, such tax may be claimed and recovered in the manner described for the recovery of assessments or taxes imposed by the council, either against such partner, or against the firm or company of which he is partner.

Exemption from taxes.

509. Churches are exempt from all taxes ; parsonages, the bishop's palace, charitable institutions, free public libraries, and schools under the control of the Catholic and Protestant school commissioners, and other educational establishments, are exempt from the ordinary and annual assessments, but not from special assessments or water rates ; the word " parsonages " shall apply to any house occupied as a residence by the officiating priest or minister of any church in the city, either as proprietor or tenant ; provided, however, that but one parsonage for each church shall have the benefit of the exemption.

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

If property exempt from taxation is occupied by tenant other than officially, tenant to pay the taxes.

511. Every license signed by the secretary-treasurer gives the bearer thereof the right to carry on his art, trade or industry for the period determined by by-law.

Effect of license.

512. All sums of money or revenues not specially appropriated form part of the general funds of the city, as well as every surplus from special revenues.

All moneys not appropriated fall into general funds.

513. All sums of money forming part of the general fund of the city may be employed for any purpose within the scope of the council.

Appropriation of general funds.

514. All fines recovered under this act shall be paid into the hands of the secretary-treasurer, and the proceeds of all licenses granted under this act form part of the fund of the city, any law to the contrary notwithstanding.

Fines to whom to be paid.

TITLE XVI.

COLLECTION OF TAXES AND ASSESSMENTS.

515. The council, in March of each year, appoints six assessors, with power to the council to increase or diminish their number, from time to time, by by-law ; and thereafter the council may dismiss any of them who fail in the performance of his duty ; and may fill any vacancy which may occur in their number ; and such assessors hold office till their successors shall have been appointed.

Appointment, &c., of assessors.

The remuneration of such assessors is fixed, from time to time, by the council.

Their remuneration.

Prior to acting as such, the assessors take and subscribe before the mayor or any alderman the oath of office in the form H.

Their oath of office.

516. The assessors, every year, value and assess all immoveable property in the city, and make return also of the names of all persons liable to pay any tax or assessment, specifying the amount payable by every rate-payer, according to law.

Their duties.

Basis of assessment.

517. In assessing immoveable property, they take, as the basis of their assessment, the actual value of such property at the time of making the assessment; they moreover specify and include, in the assessment roll, the *bonâ fide* rent of such property, or if they consider that such rent does not represent, or is disproportionate to, the annual value of such property, they insert, in the assessment roll, the actual value thereof.

If property occupied by owner.

If the property is occupied by, or is in the possession of the owner, they determine the rent, according to the amount at which, in their judgment, the property might be rented, or ought to produce, if rented; provided always that the council may fix an amount as the basis of valuation, during a given number of years, not to exceed twenty-five years, for the assessment to be levied on property in the city held by any railway company and used as workshops for the manufacture, on a large scale, of cars, locomotives or machinery.

Proviso.

Assessment of property held *par indivis* in certain cases.

518. When the assessors assess property possessed *par indivis* by more than one person, or the partition whereof has not been registered in the registry office, it is lawful for them to designate such property as belonging to the "*Estate of* .," mentioning the name of the *auteur* of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession or co-proprietor, so named, as the case may be, shall be held to pay the assessment; saving their or his recourse against any other person liable therefor.

Rules for guidance of assessors.

519. The finance committee may, from time to time, make rules and regulations regulating and determining the time when the assessors shall annually begin their duties, the manner in which they shall perform them, and generally prescribe, regulate and determine their duties and obligations in all respects.

Penalty for not answering or misleading assessors.

520. Any person who refuses to reply to the questions which are put to him by any assessor in the discharge of his duties, or who gives him information which he knows to be false, or who insults or assaults such assessor, or refuses to allow him, in the discharge of his duties, to enter in or upon his property, or the premises occupied by him, incurs for each offence a penalty not exceeding twenty dollars, to be recovered before the recorder's court.

Notice of completion of assessment roll.

521. Upon the completion of the assessment roll of any ward or wards, the assessors give notice of such completion, specifying in such notice the delay for examining such assessment roll, which shall not be less

than eight days from the date of such notice and fixing the days on which such assessment rolls will be revised respectively.

522. On the days fixed by such notice, the assessors meet in their office in the city hall, and hear and examine all complaints that may be brought before them, in conformity with such notice, respecting any entry in such assessment roll, and may adjourn from time to time, as may be necessary to hear and determine such complaints; and it is the duty of the assessors to hear and examine, on oath, such person, and any witnesses appearing before them; and they must consider all evidence adduced touching such entry, and thereupon, as the case may be, confirm, or amend such entry; and they must notify the complainant thereof, by causing a written or printed notice to that effect to be mailed to him through the post office.

Proceedings
at revision.

No complaint, as to any entry in any assessment roll, shall be received after the day fixed for the examination and revision of such roll.

Complaints
not to be
received after
wards.

The assessors keep a summary record of their proceedings upon all complaints made to them.

Record to be
kept of pro-
ceedings.

523. Any rate-payer having complained of any entry, who may think himself aggrieved by the decision of the assessors, may thereupon, within one week from the date of the mailing of such notice, appeal from such decision by petition to the recorder's court, which has jurisdiction in all such cases.

Appeal to re-
corder's court
from decision
of assessors.

All such petitions, together with a certified copy of the proceedings had in each case before the assessors, are filed with the clerk of the recorder's court, who gives each petitioner due notice of the day and hour when the said court will proceed to hear and determine the merits of the complaint, for which purpose evidence may be adduced on both sides, upon the matters at issue.

Proceedings
before recor-
der's court.

524. Any party, aggrieved by any decision of the recorder's court upon such appeal, may apply by summary petition for a revision thereof, to any one of the judges of the Superior Court, either in term or vacation, within a delay of eight days from and after the date of the rendering of such decision; and thereupon such judge may order that the record of the proceedings of the recorder's court on the complaint, together with the complaint itself and the evidence adduced before such court, be transmitted to him; and upon receipt thereof, he shall, after having heard the parties, either in person or by attorney, give such order as to law and justice may appertain.

Appeal from
recorder's
court.

Proceedings
upon such
appeal.

Roll to be delivered to city treasurer when revised.
Effect thereof.

525. When the assessors have completed the examination and revision of the assessment roll of any ward, they deliver the same, certified and signed by them to the city treasurer; and thereupon, except in respect of any case appealed from, such roll becomes binding upon all persons named or assessed therein, and they are held to be indebted to the city in the sums fixed by such roll respectively.

Notice to be given of such delivery of roll.

526. Upon the delivery by the assessors of such assessment roll for any ward, or of any roll of assessment, made under the provisions of this act, the city treasurer gives public notice thereof (in the form J.)

Notice to persons who do not pay assessments within certain time.

527. If, at the expiration of ten days from the date of the last insertion of such notice, any tax, or assessment remains unpaid, the treasurer causes to be mailed to the last known address of the person owing such tax or assessment, a statement of the taxes and assessments due, and shall, at the same time, in and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned (in the form K.)

Execution to issue, if taxes not paid after certain time after notice.

528. If any ratepayer neglects to pay the amount of taxes, or assessments due by him, for the space of fifteen days after the mailing of such notice and demand, the treasurer may levy the same with costs and interest, by warrant to be issued by the recorder's court (in the form L) authorizing the seizure and sale of the goods and chattels of the person in default, or of any goods and chattels in his possession, wherever the same can be found in the city, saving the exemptions provided by law; and no claim of ownership or privilege thereon shall be available to prevent the sale thereof for the payment, out of the proceeds thereof, of taxes or assessments due in respect of the premises in which such goods and chattels were or are located.

Opening of closed doors, &c.

529. If the debtor is absent, or if there is no person to open the doors of the house, cupboards, chests or other closed places, or in the event of refusal to open the same, the seizing officer may, by an order of the mayor or the recorder or any justice of the peace, be empowered to cause the same to be opened by the usual means, in presence of two witnesses with all necessary force, without prejudice to coercive imprisonment, if there be refusal, violence or other physical obstacle.

Notice before proceeding to sale of effects seized.

530. Before proceeding to the sale of such goods and chattels, the treasurer gives notice (in the form M.) of the day and place of sale, and of the name of the debtor in

default, which notice is posted in a conspicuous place at the entrance of the city-hall, and a copy thereof mailed to the last known address of the person in default, at least forty-eight hours previous to such sale.

531. No larger quantity of goods and chattels can be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article seized it is impracticable so to limit such sale. Sale under distress not to exceed amount due.

If the goods and chattels seized are sold for more than the whole amount of the said taxes or assessments and the costs attending the seizure and sale, the surplus is returned to the person in whose possession such goods and chattels were, when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus is paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the recorder's court. Return of surplus in certain cases.

532. The provisions contained in the preceding articles as regards the collection of taxes and assessments shall apply *mutatis mutandis* to the collection of water-rates that may be due to the city. Preceding provisions apply to collection of water rates.

533. The moveables or effects to be sold under the provisions of this act, for the recovery of taxes, assessments or other dues, are put up to public auction, but such moveables or effects are exempt from auction duty and it is not necessary that they be sold by a licensed auctioneer. Moveables, &c., sold for taxes to be so sold by auction.

TITLE XVII.

SALE OF IMMOVEABLE PROPERTY FOR TAXES AND ASSESSMENTS.

534. It is the duty of the city treasurer to prepare before the first day of May, every year, a schedule containing: Schedule to be prepared by city treasurer.

A legal description of each immoveable in the city, on which at least two years arrears of taxes, assessments and water rates have accrued at the time of the passing of this act, or may hereafter become due, or on which any such taxes, assessments or water rates have been in arrear for one year, with the names of the proprietors, as they appear in the different rolls of assessment, or with a declaration that such proprietors are unknown; also with a statement of the amount due in each case of the interest accrued thereon, and of the costs incurred thereon, and of the costs incurred in respect thereof. Contents of schedule.

Notice to be given to debtor and owner of property at domicile.

535. The city treasurer thereupon gives notice, by registered letter, to each debtor in default; and if the ownership of the property has changed after the imposition of the tax or assessment in arrear, also to the registered owner thereof; such notices to be addressed to the last known residence of the said parties, stating the amount due, and that such property will be placed in the hands of the sheriff for sale, in default of payment of the amount, within ten days from the mailing of such notice.

If not known notice need not be given.

If the debtor or the registered owner has no known domicile within the Province of Quebec, then and in that case, the formality of the notice is not required.

What is sufficient service of notice.

536. When the entry of a cadastral number in the registry office does not specify its owner, or when the title to the property is not sufficiently clear to make known such owner, the service of the notice as aforesaid upon the last assessed owner, if residing within the city, is good and valid; and if he is absent, no such notice is required.

When the assessed immoveable is placed on the assessment roll as forming part of a succession, or as belonging to co-proprietors, the notice served upon any of the heirs or representatives of the said succession, or upon any of such co-proprietors, is sufficient.

Definition of word "absent."

Every person without a domicile or place of business in the city, is deemed to be absent, within the meaning of this act.

If taxes not paid within certain time, schedule to be given to sheriff who proceeds to sell property therein mentioned after notice.

537. If the amount due upon any immoveable for taxes, assessments, or water rates is not paid within the said period of ten days, the city treasurer shall deliver such statement, duly certified under his signature, to the sheriff of the district of Montreal, who shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of the properties described therein, after having published a notice thereof, as provided in the following article.

Notice and what to comprise.

538. The notice to be given, as aforesaid, by the sheriff may be in the form N; it shall comprise as many immoveable properties as the sheriff has been required to sell, under the provisions hereof, for the levying of taxes, assessments and water rates in arrears, with costs and interest.

Publication, etc., of notice.

Such notice shall be published three times during two months, reckoning from the first publication, and before the day fixed for the sale, in the Quebec Official Gazette, and also in one English newspaper and one French newspaper published daily in the city of Montreal;

it shall also be posted, one month at least before the day fixed for the sale, outside the portico of the city hall and on the property to be sold.

539. Immediately after the publication of the said notice as aforesaid, the sheriff shall transmit, to the registrar of the registration division in which such immovables are situated, a copy of the notice of such sale, and of the descriptive schedule of the properties to be sold; and the registrar shall proceed thereon, in the same manner as he is bound to do upon notices for seizures of immovables made by the sheriff under writs of *fiery facius de terris*. Copy of notice of sale to be sent to registrar. His duty thereupon.

540. Whenever any immovable is offered for sale by the sheriff, under this act, he shall exact from the highest bidder, and before final adjudication, a sum equal to the amount of assessments or taxes due on such immovable with interest and costs, and also the approximate cost of the judgment of distribution to be prepared by the prothonotary of the Superior Court; but if the amount bid is insufficient to cover such taxes and assessments, costs and interest, the amount to be deposited shall be only the amount of such bid; and should the last bidder refuse or neglect to make such deposit, then the sheriff shall resume the sale, beginning with the next highest bidder. Deposit to be required upon adjudication.

All the remedies or procedure applicable to sales by the sheriff under writs of execution, shall also be applicable to sales under this act. Procedure applicable.

541. Sales of immovables as aforesaid shall take place on the fifteenth day of October in each year, or if such day be not a juridical day, then on the next following juridical day. When sales to take place

The immovables shall be put up for sale one after the other, in the order in which they appear in the notice; and, if, on the day of the sale, no bid is made, or if all the properties cannot be sold on the day appointed, the sale shall be postponed until the following day, and so on, from day to day, until they be all sold. Order of sale

The proceeds of the sale of such properties shall be returned by the sheriff into the Superior Court, to be by the said court adjudged upon, distributed and ordered to be paid according to law. Deposit and distribution of proceeds.

542. No employee of the corporation shall directly or indirectly bid for, or become the purchaser of any of such immovables; and if he shall do so, such bid or adjudication shall be void; and the sheriff shall proceed in due course to re-sell the immovable, subject to the obligation of the employee to pay any costs or loss that may be caused by such re-sale. Employees of corporation not to become purchasers at such sales.

Procedure applies even if proprietors are unknown. **543.** The procedure provided for in the preceding articles applies to all cases where the proprietors are unknown, except in so far as they require notice to be sent to, or served upon the proprietor; and such proprietors shall be designated on the notice as "unknown."

Privilege of taxes, &c. **544.** All moneys which, from and after the passing of this act, become due to the city, for any tax, assessment or water rate, are privileged debts, and rank, without registration, upon the proceeds of the moveable, or immoveable property in respect of which such debt is due, in the order fixed and determined in articles 1994 and 2009 of the Civil Code; provided always that such privilege does not extend beyond the amount due for three years, that is to say, for the year when such claim is made, and for the three years next preceding that year.

Extent thereof. **545.** Legal interest is hereby declared to have accrued and become exigible, from the date of the passing of the said act 47 Victoria, chapter 90, on annual taxes and assessments then due and payable to the said town, as well as upon annual taxes and assessments which have since become due and payable, and the same interest shall run upon all taxes and assessments, whether annual or special which shall become due hereafter, from the date of their becoming due respectively.

Interest on certain arrears of taxes and assessments. **546.** Neither the said council nor any of its officers shall have power to remit any portion of the interest so accrued; however, the council may, every year, in its discretion, grant, by by-law, a discount at a rate not exceeding five per cent on all assessments, taxes and water rates paid after the making of the valuation rolls within the delay specified by the by-law.

And upon all future arrears, &c.

Interest not to be remitted.

Discount on certain payments.

Prescription of taxes, &c. **547.** The right to recover any tax, assessment or water rate under this act is prescribed and extinguished, unless the city, within three years, in addition to the current year, to be counted from the time at which such tax, assessment or water rate became due, has commenced an action for the recovery thereof, or initiated legal proceedings for the same purpose under the provisions of this act; and the privilege, securing such tax, assessment, or water rate avails to the city, notwithstanding any lapse of time, for the recovery of any sum which may, by any judgment, be awarded to the city, for such tax, assessment or water rate; provided that in case any special assessment is made payable by annual instalments, the prescription runs only from the expiry of each such instalment.

Proviso.

547. In any judicial proceeding, the production of a receipt, stamped with the official stamp of the city, and purporting to be signed by the city treasurer, or other person for him, shall be held and taken as *prima facie* evidence of the payment of any tax, repartition, assessment, or water rate that may be due to the city. Effect of production of stamped receipt.

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

TITLE XVIII.

EXPROPRIATION.

549. If any immoveable property is required for any improvement authorized to be made under the provisions hereof, the same may be acquired by agreement; but if such property is not so acquired, and after, or without any step, or proceeding being taken towards such acquisition by agreement, the same may be acquired by expropriation, and the price or compensation therefor fixed and determined in the manner set forth in the following articles. Acquisition of property for improvement, &c., by agreement. By expropriation.

550. The city, by its attorney, shall give special notice, addressed through the post office, to the person in whose name the property to be expropriated was lastly assessed on the assessment roll as proprietor thereof, at his actual or last known domicile, and shall also give public notice to the effect that, on the day and hour mentioned in such notice, a petition will be presented on its behalf, to the Superior Court, in term, or to any judge thereof in vacation, including the months of July and August, praying the said court or judge, to choose and nominate three competent and disinterested persons, qualified as hereinafter provided, to act as commissioners, to fix and determine the price or compensation to be allowed for every such immoveable, which shall be legally described in such notice; and thirty days at least shall elapse between the date of the last publication of such notice, and the day appointed for the presentation of such petition; and such notice shall also be posted, twenty days previous to the date of the presentation of the petition, in three different Notice to be given by corporation and proceedings thereon.

places, upon each and every immoveable intended to be expropriated, or in the immediate vicinity thereof.

Appointment
of commis-
sioners.

551. The court or judge, to whom such petition shall be presented, shall appoint three commissioners qualified as aforesaid, and fix the day on which such commissioners shall begin operations, and also the day on which they shall make their report; but such times, respectively, may be extended for cause by the court or any judge thereof.

Property qua-
lification of
commis-
sioner, &c.

552. No person shall be appointed or shall act as such commissioner, unless he is assessed in the assessment roll as proprietor of immoveable property of the aggregate value of at least five thousand dollars; and such person so appointed shall be entitled to the benefit of the exemptions accorded by law to persons summoned as jurors, and unless so exempted and after service upon him of the judgment appointing him, the person so appointed who neglects or refuses to perform the duties thereby imposed upon him, shall be summarily condemned to a fine of one hundred dollars, by the court or judge having jurisdiction in respect of such appointment.

Replacing of
commis-
sioners in cer-
tain cases.

553. If, at any time after his appointment, any of the commissioners fails in the performance of the duties assigned to him, or does not fulfil such duties in a faithful, diligent and impartial manner, it shall be lawful for the city, by its attorney, to apply, by summary petition, to the Superior Court, or to a judge thereof, as the case may be, to stay the proceedings, and to remove and replace the delinquent commissioner; and upon such petition, the court, or judge, may issue such order as may be deemed conformable to justice.

Replacing of
commis-
sioners in cer-
tain other
cases.

554. In case any of the commissioners dies or is disqualified or unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the city, after two clear day's notice, to be established to the satisfaction of such court or judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor.

Plan to be sup-
plied to com-
missioners.

555. Immediately after the appointment of the commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the immoveables to be expropriated.

556. The commissioners, before proceeding, shall be sworn before the prothonotary of the Superior Court (in the form P) and they shall be vested, with regard to the valuation of property only, with the same powers, and entrusted with the same duties, as are conferred by the laws in force in this Province upon experts in reference to appraisements; and are entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they are of necessity occupied in the performance of their duties.

Commissioners to be sworn.
Their powers.
Their remuneration.

557. Before proceeding with the valuation of the immoveables to be expropriated, the commissioners shall begin by determining who are the parties benefited, and to be specially assessed for the purpose of the proposed improvement; they shall draw up a report thereof and give public notice of the same, in which it shall not be necessary to give the names of the parties benefited by such improvement, but only to define the limits or boundaries in which the immoveables liable to assessment are included.

Commissioners to first determine who are benefited.
Report and notice to that effect.
Contents of notice.

558. The parties, so notified, who desire to oppose the improvement may do so, by a declaration to that effect, to be signed by such parties, and to be filed in the hands of the city clerk, within ten days from the date of the last publication of such notice.

Opposition to improvement, how to be made.

559. At the expiration of the delay aforesaid, the city clerk shall hand over to the commissioners the declaration, if any filed in his hands; and they shall thereupon ascertain and determine, without any appeal, if, in reality the signers of such declaration constitute the majority in value of the parties benefited (the said value as set forth and established in and by the general assessment roll last made and revised); and if they find that such majority is opposed to the improvement, they shall report the fact to the said court or judge, as the case may be, on the day appointed to receive their report of valuation: and the proceedings in expropriation shall *ipso facto* be annulled; if, on the contrary, no declaration has been filed or the commissioners determine that a majority in value of such parties has not signed the declaration, they shall appoint a day on which to proceed to determine the value of the immoveables subject to expropriation, and shall give due public notice thereof.

Examination of opposition by commissioners.

If opposants are majority, proceedings come to an end.

If otherwise, they proceed to determine value of property subject to expropriation.

560. The right of opposition conferred as aforesaid, does not apply to expropriations for improvements as laid down on the general plan of the city, when such improvements only affect new or projected streets, as fixed

Right of opposition not to apply to certain expropriations.

Proviso.

and determined upon such general plan, and not already in actual possession of the city, at the time such plan was homologated and confirmed by the court, according to the provisions of the act 37 Victoria, chapter 51; provided that nothing herein contained shall be construed as affecting the right of opposition that now exists as regards the widening or extension of old streets, which remains in force as regards such old streets except in the case provided for by article 575.

If property expropriated leaves only certain depth of original lot, owner may require the whole to be expropriated.

561. If the portion of any immoveable, not required for any improvement, shall have a depth not exceeding forty feet, the party expropriated may give notice in writing to the city clerk, before the day fixed for the commissioners to proceed to the valuation, that he desires to have such residue also expropriated, and thereupon the commissioners shall also value such residue, and shall fix the price to be paid therefor.

Titles, &c., to be exhibited to commissioners.

562. The commissioners may, if they deem proper, call upon the party to be expropriated to give them communication of his title deeds, and, upon his failing to comply with such demand, the commissioners are authorized to procure such copies at the cost of such party, and the amount of such costs shall be deducted from the compensation to be awarded to him.

Commissioners to proceed diligently to appraisement.

563. It shall be the duty of the commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the immoveables to be expropriated, or for the damages caused by such expropriation.

Commissioners may determine upon several improvements.

The same commissioners may also determine the price or compensation of all the immoveables, including buildings thereon, required for any improvements which the council may have ordered to be made at one and the same time.

Hearing of parties and witnesses.
Examination *in* *voce*.

The commissioners shall hear the parties and their witnesses after the latter have been sworn by one of the commissioners; but such examination shall be made *in* *voce* and not in writing, and shall consequently not form part of the report to be made by the commissioners.

Meetings open to public except when deliberating.

The meetings of the commissioners, except for the purpose of deliberation, shall be open to the public.

Majority to decide.

564. If, in the discharge of the duties devolving on the commissioners by virtue of this act, there occur a difference of opinion between them upon any question within their province, the decision of two of the commissioners shall

have the same force and effect as if all had concurred therein.

565. In every case, where the council resolves to execute any of the works or improvements aforesaid, at the city's expense exclusively, and when the expropriation applies to a portion only of an immoveable, belonging to one proprietor, the commissioners shall be held to determine and award the damage to or deterioration in value, if any, of the residue of such immoveable, resulting from the separation from it of the part required by the city, and they shall determine the intrinsic value of the part of the property to be taken, and, if they are of opinion that the residue of the property is increased in value by the proposed improvement, they determine the amount of such increase, and, in the one case, the proprietor shall receive the intrinsic value of the property taken and the amount of damage so awarded, and, in the other case, he shall only receive the difference between the intrinsic value of the part of the property required and such increased value.

566. So soon as the commissioners have completed the proceedings relating to the appraisalment, and determined the price or compensation for the immoveables to be expropriated, they shall make and sign a report of their appraisalment and deposit the same in the office of the city clerk, who shall forthwith give public notice thereof, and of the day on which such report will be submitted to the Superior Court, or to one of the judges thereof, as the case may be, for homologation; which day shall be at least ten days subsequent to the first publication of such notice.

567. On the day specified in such notice, the city shall submit to the Superior Court, or to one of the judges thereof, respectively, the report containing the appraisalment of the commissioners, for confirmation and homologation; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the report; and such order thereon shall be final as regards all parties interested, and shall not be subject to any appeal.

568. In all cases where, upon the projected opening of any street, square, market-place, or other public place, or the projected extension or widening of such street, square, market-place, or other public place, or the projected acquisition or extension of a site for any public building,

Proceedings by commissioners if council wishes to execute works at city's expense and expropriation applies only to portion of an immoveable.

Report by commissioners and deposit thereof.

Notice of application for homologation.

Homologation of report.

If corporation deems it advisable to acquire a larger extent of land than that required for improvement.

the council deem it advantageous to acquire a larger tract of land than is required for the intended improvement or enlargement, and the property, part of which is to be expropriated for such improvement, does not extend back more than one hundred feet from the projected line of such improvement, the city may also expropriate the remainder of such property; and such extent of property may be taken on one or both sides of such street, square, market-place, or site, in case the proposed improvement applies to both sides thereof.

If streets to be opened and notice has been given no indemnity for buildings thereafter to be allowed.

569. In case the council has determined to open, widen or extend any street, public place or square, and to expropriate any property therefor, and has given and posted notice of such expropriation, as provided in article 550, no indemnity or damage shall be allowed for any building, structure or improvement made thereon after such notice has been given and posted as aforesaid.

Deposit of amount of compensation with prothonotary.

570. Within thirty days from and after the confirmation and homologation of the report of the commissioners, the city shall deposit, in the hands of the prothonotary of the Superior Court, the amount of the price or compensation and damages settled and determined in and by the said report, of which deposit such prothonotary shall grant an acknowledgment in writing.

Receipt therefor.

Effect of deposit and receipt.

Such deposit and acknowledgment shall constitute, on behalf of the city, a legal title to the property of each of the immoveables expropriated; and thenceforth all proprietors of, or other persons interested in, such immoveable property shall be divested of all rights or claims thereto, and the city shall be vested with such immoveables, and may, of right and without any further formality, enter upon possession of, and use the same for any of the purposes authorized in and by this act.

Effect of expropriation.

571. Any expropriation made in virtue of this act shall have the effect of cancelling all mortgages, privileges and encumbrances whatsoever with which such immoveables may be charged at the time; but the price or compensation deposited in the hands of the prothonotary, as aforesaid, shall be held to represent such immoveables as regards such mortgages, privileges and encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the money deposited conformably to this act.

Corporations, &c., may sell, &c., property to city, &c.

572. Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of, or interested in any immoveable, subject to expropriation, may (not only for

themselves, but for and on behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert* or other persons) contract for, sell and convey such immoveable to the city; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever; and all corporations and persons whatsoever, contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money of compensation for such sales or conveyances.

But, in such case, the price shall not be paid to the vendor, until the authority of the proper court or judge shall have been obtained for such payment; and if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility, in respect of such price, by paying the same into the hands of the prothonotary of the Superior Court for the benefit of whom it may concern.

573. When the money is deposited in the hands of the prothonotary as aforesaid, the Superior Court, or any of the judges thereof, during vacation and out of term, shall determine the mode of calling in the creditors of the party entitled to such money, or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just, as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; provided always, that when the price or compensation and damages are paid, in whole or in part, to the expropriated party himself, the amount so paid shall not be subject to the tax imposed by and in virtue of the act 12 Victoria, chapter 112, (1) nor to the commission which the prothonotary of the Superior Court is entitled to receive, nor to any other tax or commission.

If, however, the amount of indemnity does not exceed one hundred dollars, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party.

574. The prothonotary of the Superior Court shall remit to the Treasurer of the Province of Quebec all inte-

(1) See Revised Statutes of the Province of Quebec, articles 2749, 2751 and 2755.

Price in such case how and when to be paid

Calling in of creditors after deposit of compensation with prothonotary.

Proviso as to tax under R. S. Q. art. 2749 etc.

If sum less than certain amount formalities need not be observed.

Prothonotary to pay all interest, &c., from such deposit to Provincial Treasurer.

rest and revenues arising from the different sums of money deposited by the city in his hands as aforesaid, after deducting therefrom the amount of any commission thereon to which he may be legally entitled; and all sums so deposited shall, immediately after their receipt, be placed by the prothonotary in a separate account at interest in one of the chartered banks doing business in the city.

If council contributes one-third of cost of improvements, right to opposition under article 558 is suspended.
Proviso.

575. When the council, by a resolution adopted by vote of a majority of its members, determines to carry out an improvement and to contribute, from the city funds, to an extent not to exceed one-third of the cost thereof, the right of opposition, conferred in and by articles 558 and 559 upon the proprietors benefited, shall be suspended, in so far as it relates to such improvement; provided, however, that the council, before adopting any such resolution, shall give ten days' notice thereof, in at least two English and two French newspapers published in the city.

Quinquennial expropriations for certain purposes.

576. An expropriation shall take place every five years, to be reckoned from the end of the year 1890, or at such other period as the council shall fix by by-law, of the immoveable property or portions thereof belonging to proprietors who, after the homologation of the general plan of the city or of the plan of any of the wards thereof, respectively, have erected permanent buildings upon the new line laid down upon such general plan in any street or public square or place opened or widened according to the said plan, and lying between the new and old lines of such street, public square or place; provided such proprietors shall produce, after such building shall have been erected, a certificate from the city surveyor to the effect that such buildings have been erected according to the new line; provided that the whole cost of all such improvements shall be borne and paid by the proprietors benefited thereby.

Proviso.

Proviso.

Procedure governing such expropriations.

577. The procedure to be followed for such expropriation, for the appointment of commissioners, for the purposes thereof, for the assessment and apportionment of the cost thereof, and for all matters incidental thereto, shall be the same as that herein prescribed for ordinary expropriations, save and except as hereinafter provided.

Assessment by commissioners after homologation of report for costs of improvements.

578. So soon as the report of the commissioners appointed to fix and determine periodically, under the two next preceding articles, the price or compensation for the immoveable property to be expropriated, as aforesaid, is confirmed and ratified by the Superior Court, or by one

of the judges thereof, as the case may be, in accordance with this act, the commissioners shall assess and apportion, in such manner as to them may appear most reasonable and just, the total cost of the improvement upon all the immoveable property situated in, or facing on both sides of the street, public square or place in which the improvement is made, or upon such portion of such street, square or place as the commissioners shall have determined to be benefited by the improvement ; and they shall, for that purpose, base such assessment and apportionment upon the value of such immoveable property, irrespective of buildings thereon erected ; which assessment shall thereupon become due and payable by the parties affected thereby.

Basis thereof.

579. Within twenty days after such assessment and apportionment is made, revised and completed, as aforesaid, the city shall deposit, in the hands of the prothonotary of the Superior Court, the price or indemnity determined by the commissioners for each and every immoveable expropriated, after deducting therefrom the amount charged in such assessment and apportionment to each of the proprietors expropriated ; and the prothonotary shall grant a written acknowledgment to the city of such deposit, which shall have the same effect as the acknowledgment provided for in article 209.

Deposit of indemnity after certain delay by the city.

Receipt therefor.

Effect of such deposit and receipt.

580. The right of veto, conferred upon the parties benefited by the improvement under articles 558 and 559, shall not apply to expropriations made in virtue of the four next preceding articles.

Certain right of veto not to apply.

581. The provisions contained in article 206, with regard to the appointment of commissioners and the mode of ascertaining the value of immoveables taken by the city, apply to cases in which it becomes necessary to ascertain the amount of compensation to be paid by the city, for any damage caused by reason of any alteration in the level of any sidewalk, or by reason of any other act of the corporation for which it is bound to make compensation, and where the city and the claimant are unable to agree as to the amount of such compensation.

Certain provisions apply as to appointment of commissioner, &c., respecting indemnity for damages occasioned by alterations in level of streets, &c.

The amount of such compensation, when determined upon, shall be forthwith paid by the city to the claimant, provided always that any person who erects any building whatever upon any established or contemplated street, public place, or square in the city, without having previously obtained from the city surveyor the level of the sidewalk of such street, public place or square, and without conforming himself to such level, shall have no claim for compensation for damages caused by any subsequent change of level in such sidewalk.

Payment of compensation.

Proviso.

TITLE XIX.

SPECIAL ASSESSMENTS.

Special assessments to be fixed by commissioners to be paid by parties benefited by improvements, &c.

582. So soon as the report of the commissioners is confirmed and ratified by the court, or by one of the judges thereof, as the case may be, conformably to article 567, in all cases where the council may have ordered, in conformity with article 451, that the cost of the said works or improvements be borne and paid, in whole or in part, by the proprietors benefited thereby, it shall be the duty of the commissioners to determine the proportion in which the proprietors of different localities, within the boundaries previously fixed, shall be respectively assessed ; and to assess and apportion, in such manner as to them may appear most reasonable and just, the compensation accorded by them for the land taken, and the costs and expenses incurred in and about such expropriation, in whole or in part, conformably to the resolution of the council upon all the immoveable properties declared to be benefited by such improvement, and comprised within such boundaries.

Basis of assessment.

The commissioners, for the purposes of such apportionment shall adopt the valuation of such immoveable property, irrespective of buildings thereon erected ; taking into account the benefit to be derived from the improvement, in the proportions so determined by the commissioners.

Roll of apportionment and deposit thereof.

583. The commissioners shall thereupon make a roll of apportionment and deposit the same, duly certified, in the city clerk's office, for the examination and inspection of all parties interested ; they shall give public notice thereof, to the effect that they have completed such roll of apportionment and that the same has been deposited in the city clerk's office where it may be seen and examined by any person interested therein within the delay specified in such notice ; which delay is in no case to be less than fifteen days from the last publication of such notice ; and that, after the expiration of that delay, at a day and hour to be stated in such notice, the commissioners will meet, at the city-hall, to review such roll of apportionment and hear the parties interested.

Notice thereof.

Examination of complaints against roll.

584. At the time and place mentioned in the said notice, the commissioners shall meet and hear and examine all complaints in relation to such roll of apportionment ; and they may adjourn the meeting, from time to time, as may be necessary, to hear and determine such complaints ; and after such examination, may maintain, modify or amend, in their discretion, such roll of apportionment, without any further notice.

585. The roll of apportionment, when finally settled by the commissioners, as aforesaid, shall be filed and kept of record in the city treasurer's office ; and such special apportionment shall thereupon become due and may be recovered by the corporation in the same manner as the ordinary taxes and assessments which it is authorized by this act to impose and levy.

Filing of roll after it is finally settled. Amounts therein set forth to become due.

586. When the council, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, has acquired by amicable arrangement, and without having recourse to proceedings in expropriation, all the immoveable property required for such improvement, it may, by a petition to be addressed to the Superior Court, or to any judge thereof in vacation, in the manner hereinbefore provided, cause to be appointed three commissioners for the purpose of making and determining the apportionment or special assessment to cover the cost of such improvement, in whole or in part, as the case may be ; and the commissioners shall make such apportionment or assessment in the manner hereinbefore specified.

If property acquired by mutual agreement, commissioners for making apportionment may be appointed upon petition.

Duties of commissioners.

587. The mode prescribed in the preceding articles for expropriations, and for levying the apportionments consequent thereon, shall have force and effect, and shall apply, not only as regards works or improvements which the council may hereafter order to be carried out, but also with respect to any work or improvement which may have been resolved upon at any time before the passing of this act.

Application of preceding articles.

588. Corporations, ecclesiastical or civil, whose property, or any part of whose property, is conveyed to, or taken by the city under the authority of this act, may invest the price or compensation paid for the property so conveyed or taken, in or upon other immoveable property in any part of this Province, and may take and hold the same, any law to the contrary notwithstanding.

Investment by certain corporations of compensation in other property, &c.

589. It shall be lawful for the council to order, by resolution, the construction of sidewalks made of any durable and permanent material, in any street, square or place in the city, and that the cost of such construction be defrayed out of the city funds, to an extent not exceeding one-half of such cost, and the remainder thereof to be apportioned upon the immoveable property situate on the side of such street, square or place on which such sidewalk is constructed ; and such apportionment shall be made in proportion to the frontage of such immoveable property.

Durable sidewalks and how made and paid for.

Apportionment how made.

Book for entry of such apportionment.

590. The city surveyor shall apportion, in a book to be kept by him for that purpose, the proportion of the cost of such construction payable by the proprietors, upon such immoveables according to the frontage thereof as aforesaid.

Notice when same may be examined.

He shall also give public notice of a day when the contributors charged may examine such apportionment, and state to him their objections thereto, before the same be completed and put in force; such notice to be given ten days at least before that fixed to hear the parties interested; and thereupon he shall hear and determine such objections in a summary manner; and the amount due under such apportionment shall be recoverable in the same manner as all other taxes and assessments.

Hearing of objections, &c.

Application of provisions of article to certain assessments.

The provisions of this article shall apply to the assessments in cases of construction of drains made under and by virtue of any by-law authorized by article 360.

Powers of council to assess for drains, &c. to extend to certain sewers, &c.

591. The power of the council to assess proprietors to defray the cost of construction of a sewer in any street of the city may be exercised as to any sewer that may be ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health.

Correction of errors in expropriation proceedings, &c.

592. In case there should, at the time of the passing of this act or thereafter, exist any clerical error, omission or informality in any proceedings in expropriation, or in the making out of any roll of assessment prepared in respect of the cost of any improvement, whether such error, omission or informality be committed by the commissioners or any of them, or by those who are by law entrusted with such proceedings, the Superior Court, or any judge thereof, may, upon a petition to that effect, permit, in its discretion, the rectification of such error, omission or informality, upon such condition as to costs as the court or judge may order.

How roll of assessment to be made, if old one annulled.

593. When any roll of assessment or apportionment made by commissioners, to defray, in whole or in part, the cost of any improvement under the provisions of this act, is annulled by competent authority, the city may cause a new roll of assessment or apportionment to be made by commissioners appointed and acting as hereinbefore provided, with regard to commissioners for expropriation.

Application of provisions to new roll

All the provisions of this act, with respect to the making, revision and completion of any such assessment or apportionment, and to all matters incidental thereto, shall apply to such assessment or apportionment;

provided always that proceedings for the making of any new roll of assessment or apportionment shall be recommenced within six months from the date of annulment of the previous roll. Proviso.

594. If any special assessment or apportionment made by the city surveyor is annulled by competent authority, he shall make another assessment or apportionment for the same purpose, in the manner hereinbefore provided; and the same, when completed and revised, shall have full force and effect. If assessment or apportionment of city surveyor annulled, a new one may be made. Effect thereof.

595. If, for the purpose of any improvement, any immoveable property is charged with any special assessment by any roll or apportionment, which is subsequently annulled by competent authority, and a new roll or apportionment is made for the recovery of such special assessment, and if any change has taken place in the ownership of such property, between the date of the deposit in court of the amount of indemnity, as hereinbefore provided, under the first roll of assessment, and the date of completion of the new roll of assessment, the new proprietor of such immoveable, upon payment or demand of the amount thereof, shall have the same rights *en garantie* against his vendor, in respect of such demand or payment, as if such property had become charged with a valid hypothec for such amount, at the date of the said deposit. If property change hands after being assessed for improvements by a roll that has been annulled, &c. right of purchaser against vendor *en garantie*.

596. Whenever a roll of assessment or apportionment for any street improvement shall be annulled and set aside, the payments made under the authority of the same shall not be thereby invalidated; but such payments, with interest added, shall go to the discharge of the respective amounts to be fixed by the new assessment roll, subject, on the part of the ratepayer, to making good any deficiency, or to receiving back any surplus, according to the difference that may eventually exist between the old and the new roll of assessment; and the present provision shall apply as well to apportionment rolls heretofore made as to those which may be made hereafter. Payments under annulled assessment, &c. with interest go in discharge of amounts due under new assessment. Application of these provisions.

TITLE XX.

MUNICIPAL COURT OF THE CITY.

SECTION I.

CONSTITUTION OF THE COURT.

597. The council of the city may, by by-law, establish a court of record, called the "Recorder's Court." Establishment of Recorder's Court.

By whom and where to be held.

598. It shall be held by the recorder, appointed as hereinafter provided, and have its sittings in the city hall or any other place set apart for the purpose by the council.

Seal of Court.

The said court shall have a seal.

Appointment and powers of recorder.

599. The recorder is appointed by the Lieutenant-Governor during good behaviour; he is *ex-officio* a justice of the peace in and for the district of Montreal; and is vested with all the rights, powers and authority of one or two justices of the peace, and of the recorder's court;

Dismissal upon address of Legis. Ass. and Council. Recorder to be advocate of certain standing.

The Lieutenant-Governor may however dismiss him upon a joint address from the Legislative Council and Legislative Assembly.

Recorder may practise before other Courts.

The recorder shall be an advocate of at least three years' practice.

The acceptance of such officer and the exercise of such functions shall not disqualify him from exercising his profession before any court of justice, except the said recorder's court, any law or by-law to the contrary notwithstanding.

Salary of recorder.

600. The salary of the recorder is fixed at the sum of five hundred dollars and shall be paid by the corporation.

Appointment of deputy.

601. The recorder may, from time to time, appoint under his hand a deputy-recorder, who shall be an advocate of five years' practice and shall, *ipso facto*, be vested with all the powers of the recorder.

Deposit of original appointment.

The original of such appointment shall be deposited and registered in the office of the secretary-treasurer.

Powers of deputy recorder.

602. The person so appointed possesses, for and during the period of time limited in the instrument containing his appointment, or, if no period of time be therein limited, then from the date of the registration as aforesaid until the revocation thereof, the jurisdiction and is vested with all the rights, powers and privileges, and is bound to discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him.

By whom he is to be paid.

The city shall not be held to pay for the services rendered by such deputy, except in case of illness and during the time allowed to the recorder for his holidays, not to exceed however thirty days in any year.

Amount how fixed.

The amount to be paid to such deputy for his services, in such cases, to be fixed and determined by the finance committee of the council.

Court not to be deemed illegally held in certain cases.

The recorder's court shall not at any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder be deemed invalid, by reason of the

absence of the recorder not being deemed to be necessary within the meaning of this act.

603. In case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor appoints his successor in accordance with the law ; and if the recorder dies without having appointed a deputy, then the council shall appoint one who possesses the jurisdiction, and is vested with all the rights, powers and privileges of the recorder until one is appointed by the Lieutenant-Governor.

Deputy to act in case of death of recorder. Appointment in case of death of recorder and no deputy appointed by him.

604. The clerk of the recorder's court is appointed by the council, during pleasure ; he is, *ex-officio*, a justice of the peace in and for the district of Montreal.

Appointment of clerk. Is justice of the peace *ex-officio*. Custodian of seal of court.

He is the custodian of the seal of the court.

605. The clerk may, with the approval of the recorder, by an instrument under his hand, to be acknowledged by him before the recorder and entered in the register of the court, appoint one fit and proper person, to be and act as his deputy, and remove any person so appointed and appoint another in his stead.

Appointment of deputy.

606. So long as he holds office, such deputy shall fulfil all the duties, and shall be invested with all the powers, imposed or conferred by this act, on the clerk of the court.

Duties, &c., of such deputy clerk.

607. Immediately after their appointment and before entering into office, the recorder, the deputy-recorder, the clerk and the deputy-clerk of the said court, shall make oath to well and faithfully perform the duties of their office.

Oath of office to be taken by recorder, deputy-recorder, clerk and deputy.

The omission on their part to do so within ten days from the date of their appointment, constitutes a refusal to accept such office.

Effect of omission so to do.

608. The clerk and deputy clerk take an oath of office before the recorder's court ; and the said oath is inscribed on the back or other part of the document appointing such clerk or deputy-clerk.

Before whom clerk and deputy are sworn. Oath where inscribed.

609. In the event of the death of the clerk, the deputy-clerk continues, to act as such, until another clerk is appointed by the council.

Deputy to act if clerk dies.

SECTION II.

COMPETENCY AND JURISDICTION OF THE COURT.

610. The recorder's court has jurisdiction throughout the whole extent of the city in which it is established, as regards matters within its competency.

Jurisdiction of recorder's court.

Recorder may hear and determine :

Suits for recovery of taxes, &c.

Suits for recovery of moneys due corporation for rent of butchers' stalls, &c.

Suits for recovery of water rate, &c.

Suits for servant's wages, &c.

Concurrent jurisdiction with circuit court, &c., in suits between lessors and lessees for certain sums.

Proviso.

Writ of possession may issue in such suits.

Jurisdiction of recorder's court in suits under R. S. Q., art. 2783 to 2793.

611. It has the jurisdiction of a recorder, and shall hear and determine summarily :

1. Any action brought for the recovery of any sum of money due to the corporation for any tax, or assessment, imposed by any by-law or resolution of the council ;

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

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

4. Any action for the recovery of wages of servants, apprentices, domestics or journeymen, or of damages arising out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars.

612. It has concurrent jurisdiction with the Circuit Court, or with any judge of the Superior Court, as to matters between lessors and lessees, and may proceed in virtue of article 1624, paragraphs 1 and 2, of the Civil Code, in the same manner and with the same formalities as the Circuit Court, or any of the judges of the Superior Court, in accordance with the Code of Civil Procedure ; it can, however, take cognizance of such matters only in cases where the rent or equivalent value does not exceed the sum of one hundred dollars and applies to real estate within the limits of the city.

613. After judgment ordering the eviction of the tenant, in virtue of the preceding article, the plaintiff may, three days after service of such judgment on the tenant, obtain from the recorder's court a warrant or writ of possession, which is put into execution by a bailiff of the superior or recorder's court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect.

614. The recorder's court may take cognizance of and determine in a summary manner, all offences referred to in articles 2783 to 2793, both inclusive, of the Revised Statutes of the Province of Quebec, in so far as the provisions of these articles are applicable to the city, and article 2782 of the said Revised Statutes applies to the recorder *mutatis mutandis*.

The said court also has jurisdiction in any suit for the recovery of any fine or penalty imposed in virtue of this act or any by-law of the council and incurred for any infraction of the provisions of such act or by-law

Jurisdiction in suits for fines, &c., under this act or the by-laws.

SECTION III.

PROCEDURE.—JUDGMENTS.—EXECUTION.

615. The recorder's court may sit daily, and as many times as may be necessary each day, and it may fix any time for the hearing and disposing of any offence punishable upon summary conviction and within its jurisdiction; and any police officer or constable may bring before the court any person accused of any such offence, to be then and there dealt with according to law.

Sittings of the court.

616. The recorder's court causes order to be maintained during its sittings, and may punish, by fine or imprisonment, any person guilty of contempt of the said court during its sittings.

Order during sittings.

617. The council appoints, from time to time, such number of bailiffs of the recorder's court, as may be necessary; and may dismiss them, at any time, and appoint others in their stead:

Appointment, &c., of bailiffs, &c.

The bailiffs so appointed take an oath of office before the recorder.

Oath of office before whom to be taken.

618. Every such bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued by the said court, shall make a return, under his oath of office, of all proceedings taken by him in relation to such writ: and such return shall suffice for all lawful purposes;

Returns of writs of summons, &c., to be under oath of office.

The returns of service of any writ issued by the said court may likewise be made by any bailiff of the Superior Court; and, in all cases so instituted in the recorder's court, any such bailiff shall have *ex-officio* full power and authority to fulfil the duties of bailiff of the recorder's court, in the same manner as if specially appointed for that purpose.

Bailiff of Superior Court may also act.

619. The clerk shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the said court.

Clerk to make out writs, &c.

He shall conduct all cases and suits cognizable by and within the jurisdiction of the said court, except in cases where the corporation shall deem it expedient to appoint a special attorney, or to associate him with counsel.

Conduct proceedings for corporation. Exception.

Entries in register of proceedings.

620. The clerk shall enter daily, and in a succinct manner, in a register, the proceedings had in each cause or complaint brought in the court.

Certain articles of Code of Civil Procedure to apply to recorder and Recorder's Court.

621. Articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, and articles 1188, 1190 and 1191 of the Code of Civil Procedure of Lower Canada, as amended, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the recorder's court.

Delays in garnishee writs.

622. The delay of summons in the case of seizure by garnishment after judgment is the same as that in ordinary civil actions issued from the said recorder's court.

Judgments executory beyond district if specially authorized by recorder.

623. Upon a special authorization of the recorder, the judgments and orders of the court are executory beyond the limits of the judicial district in which they are rendered.

Proceedings need not be entered at length in register.

624. It is not necessary for the clerk to enregister at full length the proceedings, judgments and convictions of the said court, but a roll only of the said judgments and one of convictions shall be kept by him, wherein are set forth, in the first case, the name of the defendant, the nature of the debt, and the date of judgment, and in the second, the nature of the offence, the penalty, and the date of conviction; and the notes of proceedings endorsed on the original summons or plaint shall be sufficient evidence thereof.

Writs, &c., to be in Her Majesty's name.

625. Every summons, order writ or warrant of any nature whatsoever, issued by the said court, shall run and be in the name and style of Her Majesty, her heirs or successors; they shall be signed by the clerk of the court.

Complaints in certain cases need not be in writing.

626. In cases tried for drunkenness, or where a person is arrested on view by a police officer or constable for an offence against the law, as contained in the said articles 2783 to 2793, both inclusive, of the Revised Statutes of the Province of Quebec, or the provisions of this act, or of any by-law of the council, it is not necessary that the complaint be reduced to writing; but a verbal complaint, under oath, made before the recorder's court by the constable who has arrested such person, shall be a sufficient complaint; if, however, such person demands that the complaint be reduced to writing, the court shall direct the clerk so to do.

Proviso.

627. In all prosecutions instituted before the recorder's court, other than civil actions, the provisions of chapter 178 of the Revised Statutes of Canada, respecting summary proceedings before justices of the peace, shall apply to the recorder's court and to the recorder, as regards the mode of proceeding on such prosecutions to final conviction or to the final judgment or order, the execution and carrying out of such conviction, judgment or order, and, generally, as to all rules imposed upon such justices for such objects, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation to the same; the several forms therein contained may be varied in so far as it may be necessary to render them applicable to the said court.

R. S. C., cap. 178, applies to all other than civil cases.

628. In cases of complaint for an offence against the provisions of any by-law of the council, where the person contravening such provisions has not been apprehended on view, such person may be summoned by a writ to appear before the said court, and he shall answer the said complaint, as set forth in the said writ, which shall contain a summary statement of the cause of complaint or demand; and such writ shall be served upon the defendant by any bailiff or constable; provided that, in all cases of offences for the commission whereof a fine or imprisonment is imposed by any such by-law, it shall be lawful to proceed against the defendant, either by writ as aforesaid, or by warrant of apprehension issued by the recorder, upon affidavit taken before him, if the same is deemed more advisable for the attainment of justice.

Summoning of offender if not arrested.

629. In any civil action in the said court, there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court; if the person so summoned does not appear, proceedings by default may be taken against him, and upon proof made, even by the oath of the plaintiff alone, the court shall render judgment accordingly with costs; if he appears, he must plead to such action within twenty-four hours and his plea shall be entered or filed, and proof shall be adduced by the parties, and judgment finally rendered in the case, in accordance with law and justice, with costs; if he confess judgment, judgment shall be entered with costs.

Delays upon summons in civil suits, &c., proceedings thereon.

630. 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 upon confession.

631. In any complaint or prosecution brought by the corporation, in the said recorder's court, it shall not be

Allegations not required in suits &c.

necessary to specify or recite the provisions of law or the by-law under which such suit, prosecution or complaint 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.

Depositions need not be required to institute proceedings.

632. Such suits need not be begun by the deposition or information on oath of the plaintiff or complainant, but the purport of the complaint or demand shall be sufficiently set forth in the writ or in a declaration annexed thereto.

Power of court to compel attendance, &c., of witnesses.

633. The recorder's court has power to compel witnesses to appear in any action, prosecution, or complaint pending before it, and to answer all legal questions put to them in the same manner as in the ordinary courts of civil jurisdiction in this Province.

Coercive imprisonment.

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

Rules respecting evidence, &c.

635. In any civil action, the recorder's court shall, as regards the admissibility of oral testimony, and the competence 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.

Members of council and employees of corporation competent witnesses.

636. In any civil action or proceeding, or in any prosecution or complaint for any offence committed against any by-law or against the provisions of any of the acts hereinbefore cited, any member of the council, or any officer or servant of the corporation, shall be a competent witness; provided he has no direct interest in the result of the action, prosecution or complaint, or is not incompetent from any other cause.

Proviso.

One witness sufficient in all cases.

637. Any tax, assessment or water rate due to the city, or any penalty or fine which may be claimed or sued for in the said court, is recoverable on the oath of one witness; and any person accused in the said court of any offence within its cognizance, may also be condemned on the oath of one witness.

Depositions need not be reduced to writing.

638. The depositions of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid, need not be reduced to writing.

Proof of service of summons in suits for offences.

639. The service of any summons, in cases of prosecutions for offences as above mentioned, may be proved in open court by the bailiff, constable, or peace officer, who

shall have made such service; and the services of summonses to witnesses, or of any other order of the said court requiring to be served, may be proved in the same manner.

640. The execution of any judgment rendered in any civil action, as above mentioned, shall be levied by seizure and sale of the goods, moveables, and effects of the defendant. Execution how levied.

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

641. The bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale of such goods, moveables and effects, in the manner prescribed and practiced in such cases under execution issued by any ordinary court of civil jurisdiction in the Province of Quebec; subject, however, to the provisions contained in articles 530, 531 and 532. Proceedings by bailiff upon writ of execution. Proviso.

642. If the effects of the defendant are already under seizure in virtue of any writ of execution issued by any other court, in such case, the bailiff, the bearer of the writ of execution issued by the recorder's court, shall suspend proceedings; but, upon production to him of the *procès-verbal* of such seizure, he shall hand over the writ issued by the recorder's court to the sheriff of the district, or to the bailiff who shall have made the seizure. Proceedings if effects are already seized under writ of another court.

643. The delivery of such writ of execution has the effect of an opposition for payment and is sufficient to secure to the city, by privilege, (in cases in which such privilege exists,) the payment of the sum due, including principal, interest and costs. Writ from recorder's court in such case has effect of opposition for payment.

644. The recorder's court may issue writs of *saisie arrêt* after judgment, in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie arrêt*. Writs of *saisie-arrêt* after judgment may issue from recorder's court.

645. The recovery of all fines adjudged by the recorder's court is proceeded with, in pursuance of the by-law imposing such fine, by writ 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 are issued in the manner above stated. How recovery of fines is proceeded with.

Stamps not required upon certain writs, &c.

Exception.

646. It is not necessary to affix any law stamps to the summonses, writs, warrants or other documents issued by the recorder's court, except for proceedings in ejectment hereinbefore provided for, wherein such stamps shall be used; this shall not, however, affect the tariff of the said court which shall apply to such cases in ejectment.

Power of court to apportion punishment according to gravity of offence.

647. The said court has the power of proportioning the punishment to the gravity or frequency of the offence within the limitations mentioned in this act, and in the acts for the government of the city.

Council may proceed by summons or warrant against offenders.

648. The council, in all cases of offences for the commission whereof fine or imprisonment is imposed by any of its by-laws, may proceed against the offender either by summons or by warrant issued upon affidavit taken before the recorder, as may be thought more advisable for the attainment of justice.

Fines under this act recoverable before recorder's court. Imprisonment in default of payment.

649. All fines imposed by this act, or by the provisions of any by-law of the council, are recoverable before the recorder's court, with costs; and in default of immediate payment of the said fine and costs, the party, against whom judgment shall have been rendered, shall be imprisoned for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment.

Fines incurred by a corporation, &c., how levied.

650. In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Suits for violation of by-law, &c., by joint owners how proceeded with.

651. Any joint owner or occupant of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the council, bearing upon such joint owner or occupant, or upon the said lot, house, building or other immoveable in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence, may be sued alone, or conjointly with his co-owners or co-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 is sufficient to mention the name of such joint owner, or 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, is sufficient.

652. All actions taken by the city in the recorder's court, for the recovery of any tax, assessment or water rate, or of any fine, or penalty, is instituted in the name of "*the city of Ste Cunégonde of Montreal.*" suits to be taken in name of city, if by the city.

Those taken at the instance of private parties are in the name of such parties respectively. if by private parties, in their names.

653. 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 said city, belong to and form part of the general fund of the city, unless otherwise provided for. Fines, &c., to belong to general funds of the city.

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

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

656. Whenever, in the present or any other act relative to the city, or in any by-law, imprisonment is imposed, such imprisonment is presumed and held to be in the common gaol of the district of Montreal. Where imprisonment to be if ordered.

657. The recorder's court may use its discretion in awarding or withholding costs, or ordering each party to pay his own costs. Costs discretionary.

658. In any action, proceeding or complaint by the corporation, it is not necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that such by-law has been transmitted to the Lieutenant-Governor, but the fact that such formalities have been observed is presumed, until proof to the contrary be shown. Certain allegations and proof not necessary.

659. In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the christian or surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may at any time, before, during, or after the *enquête*, or before judgment, upon the request to that effect made by Variance between allegations and proof.

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, the whole on payment of costs at the discretion of the court.

City treasurer to deposit amount due in case of *saisie-arrêt* served upon corporation.

660. In cases of *saisie-arrêt* served upon and left with the corporation, it shall be lawful for the city treasurer to deposit, in the office of the court from whence such *saisie-arrêt* has issued, the sum of money which he may have belonging or owing to the defendant, that the said sum may be paid to whom it may appertain, as the court may order.

Tariff of fees of clerk and bailiffs of recorder's court.

661. The council may establish and amend the tariff of fees of the clerk and bailiffs in cases within the jurisdiction of the recorder's court.

TITLE XXI.

RECOVERY OF PENALTIES.

Fines how recoverable.

662. Fines imposed by the by-laws of the council, or by the provisions of this act, are recoverable either before the recorder's court or before the mayor or a justice of the peace.

Plaintiff condemned to pay costs, is bound thereto under penalty of imprisonment.

663. The plaintiff or the complainant, whose demand or complaint has been dismissed with costs, shall be bound to pay the costs, under penalty of imprisonment, in the manner and within the delay prescribed in article 669.

All fines incurred by same person may be included in one suit.

664. All fines incurred by the same person may be included in the same suit.

Prescription of suits for fines.

665. Every suit for the purpose of recovering such fines is prescribed by six months.

Who may sue.

666. Such prosecutions may be brought by any person of age in his own name, or by the mayor or secretary-treasurer in the name of the city.

One witness to suffice.

667. Any such suit may be decided on the oath of one credible witness.

Application of fines.

668. Fines recovered in virtue of the by-laws of the council or of the provisions of this act shall belong, unless it is otherwise provided, one half to the prosecutor and the other half to the corporation.

If the prosecution has been brought in the name of the corporation, the fine shall belong wholly to the corporation. If suit in name of corporation.

If the penalty is due by the corporation, it shall belong wholly to the prosecutor. If penalty due by corporation.

669. In default of payment of the fine ordered by the court and the costs, within fifteen days from the rendering of the judgment, the person condemned may be imprisoned for any time not exceeding thirty days, which imprisonment shall end, however, on payment of the sum due. Imprisonment in default of payment of fine.

Such imprisonment shall discharge the person who undergoes it from the obligation of satisfying the judgment against him. Effect of imprisonment.

670. The fines, as well as the costs taxed by the justice of the peace, the mayor or the recorder, after judgment, may be recovered and levied upon the moveables and effects of the offenders. Levy of fines, &c., upon moveables of offenders.

671. Whenever the valuers neglect to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the secretary-treasurer, within two months from the date of their appointment, they shall incur a fine of two dollars for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed. Fine upon valuers neglecting to make valuation.

672. Every member of the council, every officer appointed by such council, every justice of the peace, and every other person, who shall refuse or neglect to do any act, or perform any duty required of, or imposed upon him by this act, shall incur a fine not exceeding twenty dollars and not less than four dollars. Fine upon certain persons for neglect to perform their duties.

673. Every city surveyor or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this act, or by the by-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a fine of one dollar, unless some other fine be by law imposed on him for such offence. Fine upon city surveyor or officer of roads for neglect to perform his duty.

674. Every person, who shall hinder or prevent, or attempt to hinder or prevent, any officer of the council or constable in the exercise of any of the powers, or in the performance of any of the duties, conferred or imposed upon him by this act, or by any by law or order of the Fine upon persons resisting officers, &c.

council, shall incur a fine of twenty dollars for every such offence, over and above any damages which he may be liable to pay.

Fine for injuring advertisements, notices, etc.

675. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document required by this act or by any by-law or order of the council to be posted up at any public place, for the information of persons interested, shall incur a fine of eight dollars for such offence.

Fine for voting when not qualified.

676. Every person who shall vote at any election of mayor or councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a fine not exceeding twenty dollars.

To whom fines are to be paid.

677. All fines, recovered under this act, shall be paid to the secretary-treasurer of the city.

Remission of fines.

678. The council has the right of remitting the whole or part of any fine belonging to the city, as well as of the costs of the suit occasioned by the prosecution for the fine.

How effected.

679. 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 to be presented by the person asking such remission.

Penalty upon member or officer of council infringing provisions respecting remissions.
Remission made against articles 678 and 679 void.

680. Any member or officer of the council, who shall infringe the provisions of any of the two next preceding articles, shall incur a fine not exceeding twenty dollars for each offence.

681. Any remission of any fine or costs, in violation of the provisions of articles 678 and 679 of this act shall be null and void.

Penalty for infringing by-laws, &c.

682. Any person who shall transgress any by-law made by the city council under the authority of this act shall be liable for such offence to the fine or imprisonment, with or without hard labor, specified in the said by-law, with the costs to be allowed by the justice or justices of the peace who shall try such offence.

Any person authorized thereto may sue.

683. Every person aged twenty-one years residing in the city shall, with the authorization of the council, have

the right to take the action authorized by this act or any of the by-laws of the city.

All such actions may also be taken by the council in the name of the city.

Suits may also be taken by the council in name of city.

SCHEDULES.

FORM A.

(See art. 44.)

Oath of Mayor or Alderman.

I, A. B., having been elected mayor, (or alderman, *as the case may be*) for the city Ste Cunégonde of Montreal, do swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized and possessed, for my own use, of immoveable property, in the city, after the payment or deduction of all charges thereon, of the value of one thousand dollars, and that I have not fraudulently or collusively obtained the same, or a title to the same for the purpose of qualifying myself to be elected mayor, (or alderman *as the case may be*), as aforesaid: So help me God.

(Signature)

FORM B.

(See art. 138)

Notice to Electors of completion of "Electors' List."

ELECTORS' LIST.

Public notice is hereby given that the municipal electors' list for the several wards of the city of Ste. Cunégonde of Montreal, has been prepared, according to law, and that the said list shall be kept in the office of the undersigned, in the city-hall, for the examination of all

concerned during the ten days following the date of the present notice from ten o'clock in the morning, till four o'clock in the afternoon, every day, until the final revision thereof.

Public notice is hereby further given, that the board of revisors, appointed to revise the electors' list, will meet in the city-hall, at the hour of _____ in the _____ noon, of the _____ day of _____, and daily thereafter, at the same place and hour until the said list is revised and settled.

Any elector who deems himself aggrieved by the omission of his name, in such list, or by any letter importing disqualification set against his name by the city treasurer as aforesaid, or who may desire to object to any name on the list, shall be held to give written notice to the Board of Revisors on or before the _____ day of _____ next, which notice shall be delivered at the office of the city clerk; the complainant shall further be held to appear, either personally or through his representative, before the board of revisors, to make good his application,

(By order,)

(Signature,)

City Clerk.

City Clerk's Office, City Hall,
Ste. Cunégonde, (date.)

FORM C.

(See art. 146.)

Certificate of revision of Electors' Lists.

I, the undersigned, do hereby certify that the above list of municipal electors for the electoral district number _____ in the _____ ward of the city of Ste. Cunégonde of Montreal, for the current year, has been revised by the board of revisors according to law and that _____ is the exact number of qualified electors in such electoral district.

(Signature,)

Chairman, Board of Revisors.

City Clerk.

CITY HALL,
Ste. Cunégonde, (date)

FORM D.

(See art. 160.)

Nomination paper.

We, the undersigned duly qualified to vote at municipal elections, in the city of Ste. Cunégonde of Montreal, do hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of aldermen of the said city.

In witness whereof we have signed at Ste. Cunégonde
this day of 18 .

(Signatures with residences and occupations.)

Signed by the said electors in presence of (*name, occupation and residence,*)

I, the said nominated in the foregoing nomination paper, hereby consent to such nomination

Witness my hand at Ste. Cunégonde this day of
18 .

(Signature)

Signed by the said in presence of

(Signature.)

FORM E.

(See art. 161.)

Oath of attestation of the nomination paper and of the consent of the candidate.

I, A. B. of (*profession*) solemnly swear that I know, (*mentioning the name of the subscribers known to him*) and that they are duly qualified to vote at the election of mayor (*or alderman, as the case may be*) about to be held, and that they respectively signed the foregoing, (*or annexed*) nomination paper with their signatures in my presence,

and further (if the case be so) that I know the said
thereby nominated, and that he
signed his consent to the nomination in my presence.

(Signature.)

A. B.

Sworn before me
at Ste. Cunégonde,
this day of

18 .

FORM F.

(See art. 167)

Commission of a deputy presiding officer,

To (give name, occupation and residence,) :

Know you that, in my capacity of city clerk, I have
appointed, and do hereby appoint you deputy-presiding-
officer, for poll number of the
electoral district in the ward of the
city of Ste. Cunégonde of Montreal, to act in that
capacity according to law, at the election of alderman,
to be held in the said city (or ward, as the case may be,
stating the particular ward in which the election is to take
place), on the day of the month of
the Given under my hand, at Ste. Cunégonde
day of the month of

(Signature.)

FORM FF.

(See art. 191)

POLL BOOK.

	Number of voters.	
	NAMES OF THE VOTERS.	
	Their occupation.	
	No.	Their place of residence.
	Street.	
	Owners.	
	Tenants or occupants.	
	Objections.	
	Sworn or affirmed.	
	Voters refusing to take the oath or affirmation.	
	Votes given.	
	Electors voting after others have voted in their name.	
	Ballot papers prepared with the aid of the deputy presiding officer.	
	General remarks.	

FORM H.

(See art. 515.)

Oath of assessors.

I. A. B., having been appointed assessor for the city of Ste. Cunégonde of Montreal, do swear that I will faithfully, impartially, honestly, and diligently, execute the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature.)

— — —

FORM J.

(See art. 526.)

Notice to rate payers.

Public notice is hereby given, that the assessment roll for the _____ ward of the city of Ste. Cunégonde of Montreal, (or the special roll of assessment for the, *specify the purposes for which such roll is made*) is completed, and is now deposited in the office of the undersigned, in the City Hall.

All persons, whose names appear therein as liable for the payment of any tax or assessment, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

(Signature.)

CITY HALL,

City-Treasurer

Ste. Cunégonde, (date.)

— — —

FORM K.

(See art. 527)

Notice for the collection of taxes &c.

CORPORATION OF
STE. CUNÉGONDE
OF MONTREAL.

Mr.

COPY OF ACCOUNT.

Notice served, \$

(Date of notice.)

Costs \$

Notice.

CORPORATION OF
STE. CUNÉGONDE
OF MONTREAL

Mr.

To the City of Ste. Cunégonde
of Montreal. Dr.To taxes, assessments, or
Water Rates,

(Here state account.)

\$

SIR,

Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below ; in default whereof, execution will issue against your goods and chattels.

CITY HALL,

Ste. Cunégonde, (date)

Costs

Notice,

(Signature,)

City Treasurer.

FORM L.

(See art. 528.)

Warrant of seizure.

PROVINCE OF QUEBEC

CITY OF STE. CUNÉ-

GONDE OF MONTREAL.

IN THE RECORDER'S COURT OF

THE CITY OF STE. CUNÉGONDE

OF MONTREAL.

The Recorder of the City of Ste. Cunégonde, of Montreal :

Debt.....	\$		
Costs			
Warrant			
	\$		

To any Bailiff of the Recorder's Court of the City of Ste. Cunegonde of Montreal :

WHEREAS, A. B. (*name and designation of debtor*) hath been required by the city treasurer, to pay into his hands, for and on behalf of the city, the sum of
being the amount due by him to the said city, as appears by the assessment roll, for the year 18 ; and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of : these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the said treasurer, sell the goods and chattels so by you detained, and do pay the moneys arising from such sale unto the city treasurer, that he may apply the same as by law directed and may render the surplus, if any, on demand, to the said A. B., or others whom it may concern; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

1890.

City of Ste. Cunégonde of Montreal.

Cap. 70.

265

Given under the hand of the clerk of the Recorder's Court, at Ste. Cunegonde this day of in the year

X. Y.

Clerk of the Recorder's Court.

FORM M.

*(See art. 530.)**Notice of sale of goods and chattels.*

Public notice is hereby given, that on next, the good, chattels of the parties hereinafter named and designated, now under seizure for non-payment of assessments (*or other dues, as the case may be*). will be sold by public auction, at the hour and place hereinafter mentioned to wit :

Names.	Amount.	Place of sale. No. street.	Hour of sale.

(Signature),

CITY HALL,

Ste. Cunégonde, *date*.

City-Treasurer.

FORM P.

(See art. 556.)

Oath of commissioners in expropriations.

I , having been appointed commissioner under the provisions of the (*cite the act*) do swear that I will faithfully, impartially, honestly, and diligently, execute all the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature,)

Ste. Cunégonde, (*date*)

CAP. LXXI.

An Act to consolidate the acts respecting the corporation of the town of St. Johns.

[Assented to 2nd April, 1890.]

WHEREAS it is expedient to consolidate the acts 43-44 Preamble.
Victoria, chapter 62 ; 44-45 Victoria, chapter 74, and
51-52 Victoria, chapter 82, which relate to the corporation
of the town of St. Johns ; and whereas it is expedient to
grant further and better defined powers to the said corpo-
ration ;

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

PRELIMINARY TITLE

MISCELLANEOUS PROVISIONS.

SECTION I.

DECLARATORY AND INTERPRETATIVE.

1. The acts 43-44 Victoria, chapter 62, 44-45 Victoria, 43-44 V., c. 62,
44-45 V., c. 74
and 51-52 V.,
c. 82 repealed. chapter 74, and 51-52 Victoria, chapter 82, are repealed and
replaced by the present act.

2. Except where it is otherwise provided and notwith- Provisions
contained in
c. 1, title XI
R. S. Q. not
to apply. standing all acts to the contrary, the provisions of the
law governing town corporations contained in chapter first
of title eleventh (articles 4178 and following) of the Revised
Statutes of the Province of Quebec, do not apply to the cor-
poration hereby constituted.