

of the said schools; and the said new wards shall be subject to the laws now in force in the city of Montreal for all the purposes of protestant schools.

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

C A P. X C.

An Act to incorporate the Town of Sainte Cunégonde.

[Assented to 10th June, 1884]

WHEREAS the provisions of the Municipal Code no longer suffice for the present requirements of the municipality of the village of Sainte Cunégonde and it has become necessary to establish more ample provisions for the internal management of the said village, and whereas a petition to the Legislature has been duly presented to that effect; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

CORPORATION.

1. The inhabitants of the territory known as the "village of Sainte Cunégonde" and their successors shall be and are hereby constituted a body politic and corporate under the name of the "town of Sainte Cunégonde," and, by the same name, they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded in all courts, and in all actions, causes and suits at law whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure; and shall be in law capable of receiving by donation, or by legacy, acquiring, possessing, transferring and alienating any property, movable or immovable, for the use of the town, of becoming parties to any contracts or agreements in the management of the affairs of the town, and of giving or accepting any notes, bills of exchange, bonds, obligations, judgments, securing the payment of any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever. Village of Ste. Cunégonde incorporated as a town. Name of town. General powers.

2. All acts, orders, by-laws and resolutions, now in force shall remain in force until they are amended, annulled or repealed by the council of the said town or by any other competent authority, and all notes, debentures and obligations whatever consented to, contracted or issued by the Present by-laws, &c., continued.

corporation or in its favor, up to the coming into force of this act, shall have the same force and effect as if this act had never been passed.

Certain *procès verbaux* declared binding.

All the *procès verbaux* for water-courses and streets, made before the first of January, eighteen hundred and eighty-four, shall be considered as having been regularly made and shall be binding until they are amended, cancelled or repealed by the said council under the provisions of this act.

Present councillors &c., to remain in office.

3. The councillors and officers of the town now in office shall continue therein until the expiration of their term of office and shall be replaced under the provisions of this act.

BOUNDARIES OF THE TOWN.

Territorial extent.

4. The town of Sainte Cunégonde shall comprise all that territory which at present constitutes the village of Sainte Cunégonde.

Division of town into wards.

5. The town shall be divided into three wards, which shall respectively be known and designated as the "south ward," "east ward" and "west ward."

South ward.

The south ward shall be bounded on the south by the Lachine canal, on the east by the city of Montreal, on the west by the town of St. Henri, and shall include on the north all lots facing on St. Joseph street.

East ward.

The east ward shall be bounded on the south by the south ward above described, on the north by St. Antoine street, on the east by the city of Montreal and on the west by the centre of Vinet street.

West ward.

The west ward shall be bounded on the south by the said south ward above described, on the north by Dorchester street, on the east by the centre of Vinet street as far as St. Antoine street, thence by the city of Montreal as far as the said Dorchester street, to the west partly by the village of Côte St. Antoine and partly by the town of St. Henri.

TOWN COUNCIL.

Composition of the council.

6. The municipal council shall be composed of seven councillors. The number of councillors to represent each ward shall be as follows: The south ward shall have two councillors, the east ward, two, and the west ward, three councillors.

Election of councillors.

7. The councillors shall be elected for three years, except in the case provided for by section 29 of the Town Corporations General Clauses Act.

8. At the first session after the annual election of councillors the members of the council, if there be no vacancy in the office of councillor or if such vacancy be filled, shall appoint as mayor of the corporation one of the councillors possessing the necessary qualifications. Appointment of mayor.

9. The quorum of the council shall be four members. Quorum of council.

MAYOR AND COUNCILLORS.

10. No person shall be capable of being elected mayor or councillor of the town of Sainte Cunégonde, unless he can write and read, and unless he has been a resident householder within the said town for one year before such election, nor unless he be owner or possessor, or usufructuary, either in his own name or in that of his wife, of real estate, within the said town, of the value of one thousand dollars according to the valuation roll then in force. Qualification of mayor and councillor.

On a written demand to that effect being made to the council by a member thereof, or by a rate-payer, to a councillor present, such councillor shall, within the eight days following, give in writing and under oath a declaration of qualification containing a description of the real estate in virtue of which he is qualified, and shall deposit the same in the office of the council. Declaration of such qualifications.

11. No person shall be capable of being elected for a ward unless he resides and has resided in such ward for at least six months. Certain residence required.

12. No person shall be capable of being elected and of acting as councillor of the said town, unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years. Certain persons only can be councillors.

13. The following persons cannot be elected to municipal offices or occupy the same : Persons incapable of being holders of municipal offices.

1. Persons in holy orders, or the ministers of any religious belief whatever ;

2. The members of the Privy Council ;

3. Judges of the Court of Queen's Bench, of the Superior Court, of the Vice-Admiralty Court, district magistrates and sheriffs ;

4. Officers on full pay in Her Majesty's army or navy, or officers or constables of the provincial police ;

5. Inn-keepers, hotel-keepers or persons being keepers of houses of public entertainment, being or having been such during the last twelve months.

Persons receiving corporation monies.

14. No person receiving money or other consideration for his services, or having, directly or indirectly, in person or through his partners, any contract whatever, or interest in any contract with or for the corporation, shall be capable of being a member of the council of the said corporation or of acting as such.

Proviso.

However, no person shall be ineligible or become incapable of acting as mayor or councillor for the said town, from the fact of his being a shareholder in any incorporated company, which may have a contract or agreement with the said corporation

“Contract” explained.

The word “contract” in this section does not apply to leases, sale or purchase of land, nor to any loan of money, nor to any agreement relating to any of such contracts.

Cases when mayor and councillor become incapable to continue as such.

15. Every person who, while filling the office of mayor or councillor of the said town, shall be declared to be in bankruptcy or shall become insolvent, or who shall cease to possess real estate to the amount necessary to qualify him, or who shall enter into holy orders or become a minister of any religious belief, or who shall be appointed a judge or a member of the Executive Council, either federal or provincial, or who shall become accountable for the revenues of the town, in whole or in part, or who shall become a servant or salaried officer of the town, shall *ipso facto* be disqualified, and his seat in the council shall become vacant, and such vacancy shall be filled in accordance with the provisions of the present act.

Oath of office of member of council.

16. Every member of the council, so soon as he is appointed, shall make oath well and faithfully to discharge the duties of his office.

Before whom to be taken.

The oath of office may be taken before a justice of the peace, or before the mayor in office for the time being, or before the secretary-treasurer, and an entry thereof shall be made in the book of the proceedings of the council.

Member not to enter office until oath be taken.

A member of the council shall not enter upon the discharge of his duties, until he has taken the oath of office.

Effect of omission to take oath.

17. The omission, during fifteen days, on the part of any member of the council to take the oath, required for the office to which he has been appointed, shall constitute a refusal to accept such office, and shall render him subject to the penalties prescribed in such case, unless he be exempt from serving.

Obligation to accept municipal office.

18. Whoever shall be capable of exercising any municipal office whatsoever, and who shall not be exempt therefrom shall be obliged to accept such office if the be appoint-

ed thereto and to perform the duties thereof under the penalties hereinafter prescribed. Nevertheless, no one shall be obliged to accept or to continue to occupy the office of secretary-treasurer. Proviso.

19. Any person, appointed to the office of mayor or of councillor, or to any other office, who illegally refuses to accept such office or to continue to perform the duties thereof, shall incur a penalty of thirty dollars for the office of mayor, and twenty dollars for the office of councillor, and ten dollars for the other offices. Penalty upon persons refusing to accept or to continue in office.

20. A member of the council shall be deemed to have refused to continue to perform the duties of his office when he, for two months, shall refuse or neglect without, in the opinion of the council, reasonable cause, to discharge the duties of such office. What to be deemed a refusal of office.

21. The council of the town of Sainte Cunégonde may accept the resignation of the mayor or of a councillor, if the council be satisfied with the reasons given. Council may accept resignation of mayor and councillor.

22. The councillors shall not receive any salary, profit or indemnity, in any shape whatsoever, for their services. No salary to be given to councillors.

MUNICIPAL ELECTIONS.

23. It shall be lawful for any candidate or his representative, during the voting, to require the production of the receipts from the secretary-treasurer of the said town, establishing the payment of such assessments so due as aforesaid, and in any case where the said elector has lost his receipt, he shall then produce a certificate, which the secretary-treasurer shall give him, to enable him to vote, establishing the payment of such taxes, within the above-mentioned delay, and in default of his producing such receipt or certificate, the said elector shall not be able to vote at such election. Receipt for payment of taxes may be required by any candidate.

24. The electors shall vote only in the ward in which they are qualified. Ward in which elector may vote.

If an elector be qualified to vote in more than one ward, he may vote for the election of councillors in each ward in which he is so qualified, and, if any one only possess, as proprietor in the municipality, real estate the value of which in the different wards does not give him a right to vote for each ward, he may, provided the aggregate value be sufficient to qualify him, vote for the election of councillors for the ward in which he resides, but not otherwise. Proviso if qualified in more wards than one, &c.

Elector to
vote only once.

25. No person shall vote more than once for the election of councillors of each ward, in which he is qualified to vote, under a penalty of a fine of twenty dollars or of imprisonment for two months in default of payment.

Valuation roll
to establish
qualification
to vote.

26. In all cases, the qualification required of electors shall be established by the valuation roll in force, or by the list of municipal electors, if there be such list.

Bribed elector
can not vote.

27. If an elector admit, under oath or affirmation, that he has received any consideration whatever to induce him to give his vote in favor of any candidate, the presiding officer shall refuse the vote of such elector, and shall note such refusal in the poll-book.

Presiding officer shall
commit persons
endeavouring to
personate and
vote for others.

28. The officer presiding at the election shall, upon a written order signed by him, commit to the common goal of the district or to any other place of confinement established in the town, for the space of not less than twenty-four hours any person who shall vote or present himself to vote for and in the place and stead of another person entitled to vote, and such person, upon conviction before a magistrate or justice of the peace, may be condemned to a fine of twenty-five dollars, or, in default of payment, to an imprisonment of two months.

Fine.

Time of holding
annual
elections.
Places where
held.

29. The annual elections shall be held on the second Monday of the month of January in each year.

The meetings of electors shall be held at the places indicated by the council and shall be open at nine in the morning of the day fixed for the elections.

Choice of candidates.

30. The presiding officer, after having opened the meeting, shall call upon the electors present to propose the persons whom they wish to select as municipal councillors.

Nomination of
candidates.

31. The president shall receive the names of and nominate all persons presented in writing by at least seven electors.

Proclamation
of members
nominated in
certain cases.

32. If, one hour after the opening of the meeting, only as many persons have been placed in nomination for councillors, as there are councillors to be elected, or less than the number required, the election shall be declared closed, and the presiding officer shall proclaim such persons elected councillors.

Poll in certain
cases.

33. After one hour shall have elapsed from the opening of the meeting, if more candidates have been nominated

than there are councillors to elect, the presiding officer shall himself proceed at once to open a poll and register the votes.

The election shall be closed at half past four in the afternoon of the same day. Closing of election.

34. Nevertheless, if a notice be given, under oath, to the presiding officer that a voter has been prevented by violence from approaching the poll during the last half hour, the election cannot be closed until a half hour has elapsed after such violence has ceased. Closing delayed in certain cases.

VACANCIES IN THE OFFICE OF COUNCILLOR.

35. There shall be a vacancy in the office of councillor, in each of the following cases : Vacancies in the office of councillor.

1. When a person has been appointed councillor who is exempt from serving as such, or when any person discharging such office becomes exempt during his occupancy thereof, and such person has, in either case, complied with section 49 of the town corporations general clauses act ;

2. In the case of refusal to accept or continue to perform such office ;

3. When the councillor's domicile is no longer within the ward which he represents ;

4. When the person discharging the office is declared bankrupt or becomes insolvent ;

5. When the mayor or a councillor, after his appointment, has come under one of the disqualifications established by law, and has complied with section 43 of the town corporations general clauses act ;

6. In the case of absence from the municipality, or of inability to act through sickness, infirmity or otherwise, during the period of three months consecutively ;

7. When the resignation of the councillor has been accepted by the council, or when the office has been declared vacant in virtue of section 14 of the town corporations general clauses act ;

8. In the case of death.

9. When a councillor neglects to make and file within the required delay the declaration mentioned in the last paragraph of section 10 of this act, subject however to the application of section 27 of the town corporations general clauses act ; provided he has made and filed his declaration before steps have been taken to fill the vacancy.

36. Notwithstanding any vacancy in the council, the councillors remaining in office shall continue to exercise their powers and perform their duties as such, if they constitute a quorum of the council. Duty of remaining councillors, if a quorum.

Duty, if not a quorum. If, on the contrary, they do not form a quorum they cannot act as councillors until the vacancies have been filled.

Filling of vacancies. **37.** At one of the sessions held after a vacancy has occurred, the council shall by resolution appoint a person selected from among the qualified persons of the municipality, to fill such vacancy.

Appointments by Lieutenant-Governor, if council neglect to fill vacancies. **38.** If the council neglect or refuse to fill a vacancy in the office of councillor during the fifteen days after a special notice of the occurrence of such vacancy has been deposited in the office of the council by an elector, such vacancy shall be filled by the Lieutenant-Governor according to the rules prescribed for the appointment of councillors when no elections have been held.

Appointment by Lieutenant-Governor in certain cases. **39.** Whenever, owing to vacancies, there remain less than four councillors in office, the vacancies so caused in the council can only be filled by the Lieutenant-Governor in the usual manner.

VACANCY IN THE OFFICE OF MAYOR.

Vacancy in office of mayor. **40.** The office of mayor shall be vacant in each of the following cases :

1. When such mayor's seat as councillor becomes vacant.
2. When the resignation of the mayor is accepted by the council or his office is declared vacant under section 44 of the town corporations general clauses act.
3. In the event of refusal to accept or continue to hold the office of mayor or that of county councillor.
4. When a person exempted from holding office has been elected mayor, or when a person holding such office becomes exempt while he occupies it, and when, in both of these cases, the provisions of section 49 of the town corporations general clauses act have been complied with.
5. When, after his appointment, the mayor has, by law, become incapacitated for the office of mayor or county councillor and has complied with section 43 of the town corporations general clauses act.

Election of mayor, if the 7 councillors remain in office. **41.** If the seven councillors remain in office, the election of the new mayor takes place at the first session of the council held after the occurrence of such vacancy, in conformity with section 8 of this act.

Election of mayor after election of councillors, if not so. If, on the contrary, there are vacancies in the office of councillor, such election takes place at the first session of the council, held after all the vacancies in the office of councillor have been filled up.

42. If the appointment of a new mayor be not made at the time fixed by the foregoing section, it can be made by the Lieutenant-Governor in conformity with the ordinary rules.

Appointment of mayor by Lieutenant-Governor.

43. The mayor remains in office from the time he takes the oath of office until the appointment of his successor.

Term of office of mayor.

44. It shall be the duty of the council to determine during the month of December at what places the polls shall be held and to appoint the presiding officers for every ward where an election is to be held.

Duty of councillors as to fixing poll.

45. The appointment of councillors for the town by the Lieutenant-Governor shall be made whenever :

Appointment of councillors by Lieutenant-Governor.

1. A meeting of the municipal electors for the election of local councillors has not been held within the time prescribed by the present act, or the meeting having been held no election has been had ;

2. Or an insufficient number of councillors has been elected, and in this latter case the Lieutenant-Governor shall be called upon to complete the number.

It is the duty of the presiding officer at such election, or of the secretary-treasurer of the corporation, to inform the Lieutenant-Governor of such fact or facts by a letter addressed to the provincial secretary, within fifteen days after the time fixed for such election.

Any municipal elector may give such information to the Lieutenant-Governor.

46. The Lieutenant-Governor, as soon as such information is communicated to him, appoints from among the qualified persons in the municipality, a number of councillors equal to the number required to be elected in the case of the first paragraph of the preceding section, or a sufficient number to complete the number of councillors required in the case of the second paragraph of the same section. The Lieutenant-Governor can only appoint councillors for those wards in which no election has taken place.

Manner of appointment by Lieutenant-Governor.

For what wards Lieutenant-Governor may appoint.

47. The letter of the provincial-secretary, wherein the councillors appointed by the Lieutenant-Governor are named, is forwarded to the secretary-treasurer of the municipality or to one of the councillors so appointed. The person receiving such letter must give, without delay, to every councillor named in it, special notice of his appointment.

Letter notifying appointment to be sent by provincial-secretary.

Lieutenant-Governor may cancel appointment of councillors made by him.

48. The Lieutenant-Governor may cancel any appointment of councillors made by him, and if he deem advisable, replace such councillors by others.

SESSIONS OF THE COUNCIL.

Act 40 V., c. 29, except s. 123, governs sessions of the council.

49. The sessions of the council shall be governed by the provisions prescribed by the town corporations general clauses act, with the exception of section 123, which shall be modified as follows :

Majority to decide.

Every contested question shall be decided by the majority of the members present.

Vote and casting vote of mayor or pro-mayor.

The mayor or pro-mayor, or any other councillor who shall preside, may vote whenever a question is put, and when the votes are equally divided he shall further have a casting vote.

Casting vote of chairman.

50. Whenever the votes are equally divided, the president shall always be obliged to give his casting vote.

Appointment of pro mayor.

51. The council may at any time appoint a pro-mayor who, in the absence of the mayor, or if such office be vacant, shall fulfil the duties of the mayor, with all the privileges, rights and obligations thereunto appertaining.

TAXES.

Council may levy certain taxes.

52. In order to raise the necessary funds to meet the expenses of the town council, and to provide for the several necessary public improvements in the said town, the town council shall be authorized to levy, annually, by simple resolution or by by-law, as it may deem proper, on persons and on movable and immovable property in the town, the taxes hereinafter designated, that is to say ;

On lands, &c.

1. On all lands, town lots and parts of town lots, whether there be buildings erected thereon or not, a sum not exceeding one cent and a quarter in the dollar on their total real value, as entered on the valuation roll of the said town ;

On movables.

2. On the owner or possessor of the following movable property, a sum not exceeding two cents in the dollar, according to the values hereinafter specified : every stallion shall be valued at four hundred dollars ; every horse kept for hire, at sixty dollars ; every horse over three years of age kept for ordinary domestic purposes, at fifty dollars ; every head of horned cattle, aged two years and over, at twenty dollars ; every covered carriage with four wheels and two seats, at two hundred dollars ; every open carriage with four wheels and two seats, at eighty dollars ;

every gig or light waggon with one seat, at forty dollars; every two horse sleigh, at eighty dollars; every one-horse sleigh, at forty dollars;

Every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or working vehicles, including farmers' waggons, the owners or possessors whereof pay the town for licenses as carters or common carriers, shall be exempt from such taxes; Exemptions.

3. On each male inhabitant of the age of twenty-one years or over, who shall have resided in the town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar; On persons.

4. On every person keeping a dog or dogs, in the said town, an annual sum not exceeding two dollars for each dog; On persons owning dogs.

5. On every person keeping a bitch or bitches in the town an annual sum not exceeding three dollars for each bitch; On persons owning bitches.

6. And it shall be lawful for the town of Sainte Cunégonde, for the purposes mentioned in this section, to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, hotels, taverns, coffee-houses, restaurants, eating-houses, and temperance hotels, and on all dealers and retailers of spirituous liquors, and on all pedlars and itinerant traders selling, in the said town, articles of commerce of any kind whatsoever, and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, tennis alleys, or other places for games or amusements of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers and distillers, and on all traders and manufacturers and their agents, and on all proprietors or keepers of wood-yards, or coal-yards, and slaughter-houses in the said town, and on all money-changers or exchange brokers, pawn-brokers, and on all bankers and banks, and all agents of bankers and banks; and on all building societies and on all insurance companies and their agents; and generally on all commerce, manufactures, callings, arts, trades and professions, which have been or which may be introduced into or exercised in the said town, and the amount of such dues or taxes shall be fixed and determined by one or more by-laws of the town of Sainte Cunégonde, and shall be fixed and determined by the council, in its discretion; provided that in no case shall the amount of duties or annual taxes exceed two hundred dollars. On taverns keepers, &c.,

And every person, in the said town, practising the profession of an advocate, physician, dentist, land-surveyor, On professional men.

or notary, or any other liberal profession, provincial land-surveyor or person employed in the service of another and whose salary exceeds five hundred dollars shall for the same purposes, be assessed at a sum not exceeding six dollars annually; and the said town council may order the assessors to make the roll of the persons, industries, companies, employments, quality and movable property mentioned in the different parts of this section.

Roll for such taxes.

53. Every person having an office in the said town, and practising therein the profession of an advocate, physician, land-surveyor, notary, dentist, surgeon, oculist or any other liberal profession, shall pay an annual tax not exceeding four dollars.

On professional men having their office in the town.

54. The town of Sainte Cunégonde shall have power to levy, apart from the taxes mentioned in the various sections of this act, a special tax upon persons or companies carrying on, within the limits of the town of Sainte Cunégonde, the business of common carriers, either for transporting merchandize or passengers within the limits of the town of Ste. Cunégonde, or from within such limits to some other place.

Levy of special taxes upon common carriers.

Such tax shall be imposed by a by-law to that effect, and shall not exceed twenty dollars per annum for each winter or summer vehicle used for such business of common carrier, and may be levied in the form of a license or otherwise, as the council may decide.

Method of levy.

The town council may, however, enter into an agreement with any companies or persons carrying on such business of common carriers, for the payment of an annual sum for the granting of the privilege of carrying on such business, and may use its discretion in granting or refusing such privilege.

Council may agree for annual compensation in lieu of tax.

55. But nothing contained in any of the preceding sections shall be construed as withdrawing the town of Sainte Cunégonde from the application of article 583 of the Municipal Code.

Interpretation.

GUARDIANS OF THE PEACE.

56. It shall be lawful for the town council, by a resolution passed to that effect, to appoint, dismiss and replace, from time to time, when occasion shall require, a sufficient number of men to compose the police force of the said town;

Appointment of police force.

2. Such men shall be sworn before any justice of the peace for the district of Montreal, to act as police officers in order to preserve peace within the town;

Police men to be sworn.

3. The said police officers or constables shall obey all legitimate orders they may receive from the council, from any of its members individually, or from any justice of the peace of the district of Montreal; Police to obey orders.

4. All and every such police officers or constables aforesaid shall be vested with all the necessary powers for the accomplishment of all duties imposed upon them; and it shall be lawful for them to arrest, on view and without a warrant, any person they may find breaking the public peace, or lying or loitering either during the night or 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 or causing tumult in the public roads or highways, wharves, bridges or on any part of the banks of the Lachine canal or in the waters or on any craft or vessel in the said Lachine canal, within the limits of the said town, by shouting, swearing or otherwise, and all persons contravening any federal or provincial law or any by-law of the town, and in like manner all persons advising, aiding or encouraging any person whomsoever to contravene any such federal or provincial law, or any such by-law of the said town; and it shall be lawful for the said police officers or constables to 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; Powers of police.

5. They shall have also the power and authority to arrest, even without the limits of the said town, all persons who shall have contravened any federal or provincial law, or any by-law of the said town, or who shall have advised, aided or encouraged any person whomsoever to contravene any such federal or provincial law or any such by-law; Power to arrest outside limits of town.

6. They shall have power and authority, to serve all summonses and subpoenas and execute all warrants and other proceedings for the arrest and the confinement in gaol of all persons accused or remanded for subsequent 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 said town; Power to serve subpoenas, &c.

7. It shall be lawful for any police officer or constable of the said town to go into every house, store-house, grocery store, shop, inn or other suspicious house, and to go into every yard or other place, within the limits of the said town, in which any person may be reasonably suspected to be for evil motives, and if any such person be found in such places, the said police officers or constables Power to enter groceries, &c., to search for suspected persons.

shall arrest, on view and without a warrant, and shall keep in custody, any such person;

Power to enter inn, &c.

8. They shall have also 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, regulating such houses, or the by-laws which the council may pass respecting the same, 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 enter stores, &c., unlicensed.

9. It shall be lawful for the said police officers or constables, at any time, to go into every store-house, shop or other houses not licensed for the sale of spirituous, vinous or fermented liquors, wherein they shall suspect such liquors are sold, and to arrest, on view and without a warrant, every person contravening the laws prohibiting the sale of spirituous, vinous or fermented liquors without license;

Confinement of persons arrested on view.

10. Any such persons, so summarily arrested, shall be immediately conveyed to the prison of the district of Montreal, or to the place of confinement established in the town of Sainte Cunégonde, 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 said mayor, or justice of the peace, and shall appear on the day appointed, before the said mayor or justice or justices of the peace;

Power of constables to serve certain notices.

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

Council may dismiss policemen.

The council may, at any time and for any reason, dismiss any policeman without its being necessary to give any notice or pay any compensation.

MISCELLANEOUS PROVISIONS.

Publication of by-laws.

57. All by-laws shall be published in the English and French languages.

Both languages may be used in council.

58. In the sessions of the council every person who has a right to be heard may speak in French or in English.

Books, &c., to be drawn up in French.

59. The books, registers, and other proceedings of the municipal council shall be drawn up in the French language.

COLLECTION OF TAXES.

60. In addition to the powers conferred by the town corporations general clauses act for the collection of taxes, the council shall also have those conferred by articles 371, 372, 373, and articles 993 to 1025, inclusively, of the Municipal Code of the Province.

Power of incorporation as to collection of taxes; certain articles of M. C. to apply.

PENALTIES.

61. If any person infringe any by-law passed by the town council or any of the provisions of the present act, imposing a penalty for such infringement, such person shall, for each such offence, be liable to fine and imprisonment in default of payment thereof, as specified in any of the said by-laws or provisions of the present act, with the costs allowed by the justice or justices of the peace who shall try such offences, according to the tariff then in force, for the fees of the officers of such justices of the peace; and such fine and costs shall be levied upon the goods and chattels of the delinquents, under a warrant signed by a justice of the peace, which warrant shall be executed in accordance with the formalities prescribed by the present act for the seizure and sale of goods and chattels for taxes mentioned in the assessment roll.

Fines for infringement of by-laws or of this act.

How levied.

62. Every information or complaint for infringement of any by-law of the said town council, or of any provision of the present act, imposing a penalty for such infringement, shall be made or brought within six months after the offence has been committed.

Prescription of suits for fines.

63. The sheriff and the gaoler of the district shall be bound, and they are hereby required, and power is hereby given them, to receive and detain in safe custody, until duly discharged, any person condemned to be imprisoned under this act or under any by-law passed by the said town council under this act or the acts hereby repealed, and also any other person entrusted to the custody of the said sheriff or gaoler, by the said town council or by any of its members or officers, authorized by it or by the officer presiding at the municipal elections.

Duty of sheriff and gaoler to receive prisoners.

64. It shall be lawful for every member of the town council, individually, to order the immediate arrest of any person who is drunk or disorderly, or any riotous person whom he may find disturbing the peace within the limits of the town, and to have such person confined in the place of detention established in the town of Sainte Cuné-

Power of councillors to order arrest of certain persons.

gonde, in order to the safe-keeping of such person, until he shall be brought before the mayor or one or two justices of the peace, to be dealt with according to law.

Power of constables and resident bailiffs to arrest on view.

65. It shall be lawful for any constable or bailiff residing in the town to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said town, and also every person who shall be found sleeping in any field, lot, highway, yard or other place, or who shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable or bailiff shall deliver such person to the person in charge of the gaol or other place of detention in the town of Sainte Cunégonde, in order to the safe keeping of the said person, until he shall be brought before the mayor or any other magistrate, to be dealt with according to law.

Penalty for assaulting, &c. constable, &c.

66. Every person who shall assault, beat or forcibly resist any constable or peace officer appointed under this act, and engaged in the execution of his duty, or who shall aid or excite any person to assault, beat or forcibly resist such officer or constable or bailiff, residing in the said town, or other person, shall, upon conviction thereof, before the mayor or one or two justices of the peace, be liable to a fine of from four to forty dollars, and in default of payment thereof to imprisonment not exceeding two calendar months, notwithstanding any provisions to the contrary in the present act.

Power of council to impose penalties for infraction of by-laws.

67. The town council shall have power, in order to secure the execution of its by-laws, to impose penalties for each infringement of the by-laws, by a fine not exceeding thirty dollars, and in default of payment thereof by imprisonment for a period not exceeding two calendar months, but in the by-law the amount of such fine and the period of such imprisonment, if ordered, shall be mentioned.

Penalty for damaging or defacing notices.

68. Every person who shall intentionally tear, damage or deface any notice, advertisement or other document ordered by this act or by any by-law or order of the said council to be posted up in a public place for the information of interested parties, shall incur a fine not exceeding eight dollars for such offence or an imprisonment not exceeding fifteen days in default of payment.

Mayor, if justice of the peace, may hear such cases.

69. The mayor or a councillor, if he be at the same time a justice of the peace, may hear and decide each of the cases above mentioned.

SEWERS.

70. The council may raise, by assessment, money sufficient to make or repair one or more common sewers in any street of the town, upon all the owners of lands situate in such street, and determine the mode of making such sewers and the manner of collecting such taxes. Council may raise money by assessment to make sewers, &c;

71. It may compel every owner or occupant of land in the town, on which there is stagnant water, to drain or raise such land, in such manner that the neighbors be not incommoded or the public health injuriously affected. Compel owners to drain lands.

If the owner of such land be unknown and have not a representative in the town, or if he be too poor to drain or raise the same, the council may order the drainage or elevation of such land, at the expense of the corporation, reserving recourse against the owner or the property drained. May cause drainage to be effected in certain case with recourse against owner.

72. By-law number 23, adopted at the meeting of the council, held on the sixteenth of August one thousand eight hundred and eighty-three, and authorizing the issue of debentures for the construction of sewers, and now submitted to the Lieutenant-Governor for his approval, shall come into force and effect as soon as it shall have received such approval, but it shall nevertheless be subject to the following clauses and conditions and to those concerning sewers. By-law number 23 declared valid if approved by Lieutenant-Governor, and subject to following clauses.

73. The council may, out of the funds derived from the debentures voted by the by-law number 23, take such sum or sums as may be necessary for the construction of a main sewer in Vinet street and the necessary connections in each street; the interest and sinking fund of such portions of the debentures to be levied by a tax imposed upon property in the town according to their valuation on the valuation roll. Power of council to take certain sum voted by by-law No. 23, for construction of certain sewer.

The council may also take the remainder or balance or a part of the balance of the said debentures to make the sewers or parts thereof passing along the front of the lots, and the interest and sinking fund of such balance or portion thereof of the said debentures shall be levied upon the owners of lots in proportion to the frontage of their properties. Application of balance of sum.

74. If it should be necessary for the accommodation of the inhabitants or some of the inhabitants of the town to reconstruct the present drains or portions of the same, the council may order that such drains or portions of drains be reconstructed at the expense of the municipality or of the Reconstruction of drains, &c.

owners of such drains, according to the by-law which shall be passed by the council for the construction of such drains.

Valuation of drains in certain cases.

75. In case the reconstruction of the drains or of a portion thereof should, in accordance with the by-law mentioned in the preceding section, be made at the expense of the proprietors, the council shall cause the present drains or portions thereof to be valued, and the amount of such valuation shall be paid to the proprietors.

Method of proceeding with valuation.

76. This valuation shall be made by an arbitrator appointed by the council and by another appointed by the proprietors interested therein, and, in the event of a difference of opinion between the two arbitrators so appointed, the latter shall appoint a third and the decision of the majority of them shall be final and beyond appeal.

In case the two arbitrators do not agree upon the appointment of the third he shall, upon application of one of the parties, be appointed by a judge of the Superior Court.

Notice to proprietors interested of meeting to appoint arbitrator. Appointment of arbitrator.

77. It shall be the duty of the secretary-treasurer to notify, by special notice, the proprietors interested in such valuation, of the place and hour of the meeting at which they shall appoint their arbitrator.

Such arbitrator shall be appointed by the vote of the majority of the said proprietors present at such meeting.

FINAL PROVISIONS.

Taverns to be closed during polling days.

78. All hotels, taverns, stores and places where liquor is sold, shall be closed during the polling days, under penalty of a fine of fifty dollars, or of an imprisonment in the common gaol for a period of three months in default of payment.

Fiscal year.

79. The fiscal year for the town of Sainte Cunégonde shall run from the first of July to the first of July of the following year: and at the end of each year, the books of account of the town shall be audited and balanced.

Present by-laws, &c., of village to remain in force.

80. All the by-laws, ordinances, agreements, provisions, undertakings and contracts and things passed and agreed to by the council of the village of Sainte Cunégonde, and all valuation or collection rolls, whether general or special, made and homologated by the council of the village of Sainte Cunégonde, shall continue to have full effect and remain in force, both for the past and the future, in the town of Sainte Cunégonde, as if this act had not been passed, and the corporation of the town, as constituted by this act,

shall succeed and be substituted, for all purposes whatsoever, to the obligations, rights and claims of the corporation of the village of Sainte Cunégonde.

And in order to avoid law-suits, which might entail considerable costs upon the town of Sainte Cunégonde, the town of Sainte Cunégonde shall not be obliged to reimburse, to any one whomsoever, the taxes or assessments collected under the valuation and collection rolls made, prepared and homologated for the village of Sainte Cunégonde and at present in force; which said valuation and collection rolls are hereby declared legal for all purposes whatsoever, and the said taxes shall be considered as having been legally paid.

Valuation rolls declared binding and taxes thereunder lawfully paid.

The said by-laws shall be applied in the manner prescribed when they were passed, by substituting the corporate name of "the town of Sainte Cunégonde" for that of "the corporation of the village of Sainte Cunégonde."

Application of such by-laws.

This section shall not affect pending cases.

Pending cases.

81. It shall be the duty of the assessors in office to make, annually, at the time and in the manner ordered by the council, the valuation of the taxable property of the municipality according to real value.

Valuation of taxable property.

82. The real value of taxable real estate shall include the value of the buildings, work-shops and machinery thereon erected, and that of the improvements which have been made on it.

What valuation of real estate shall include.

83. The payment of municipal taxes may be claimed by means of a suit taken in the name of the corporation before the magistrate's court or the Circuit Court of the county or district, or before the mayor or two or more councillors, acting *ex-officio* as justices of the peace, or before the recorder of the town, if there be one, provided the amount claimed be under one hundred dollars.

Method of collecting taxes.

84. All debts, now due to the said town of Sainte Cunégonde, in virtue of any act hereby repealed, or which may be due in future for any taxes or assessments imposed by virtue of this act, shall be privileged debts, and shall be paid in preference to all other debts, and shall, in all cases of distribution of moneys, be allowed to the said town, in preference to all other creditors; and this privilege shall apply only to the taxes of the last three years, in the case of taxes imposed upon real estate, and, in all other cases, to the taxes of the last five years, and shall have its full and entire effect without its being necessary to have recourse to registration.

Privilege for municipal taxes due to corporation.

By laws for certain purposes.

85. The town council may pass by-laws for all the purposes authorized both by the municipal code and the town corporations general clauses act and which shall not be inconsistent with the provisions of this act.

40 V., c. 29, to apply if consistent.

86. The provisions of the town corporations general clauses act shall be deemed to form part of this act, in so far they may be consistent with the provisions of this act.

ANNEXATION.

Council may pass by-law to annex town to city of Montreal.

87. The council of the town of Sainte Cunégonde, shall have the power to pass any by-law to annex the territory of the town of Sainte Cunégonde to the city of Montreal.

Conditions of annexation.

88. By such by-law it shall be provided under what conditions such annexation shall take place, as to the representation, in the council of the city of Montreal, of the inhabitants of the territory to be annexed, and as to the settlement of the debt of the town of Sainte Cunégonde.

Name of the town after annexation.

89. The territory, so annexed, shall form one of the new wards, or shall form part of one or more of the wards, of the city of Montreal, the number whereof shall be increased or diminished, or the limits whereof may be changed as the council of the city of Montreal may decide, and which it shall have power to do; and such new ward, so formed, which shall be known as the "Sainte Cunégonde ward," and may be represented in the council of the said city of Montreal by a number of aldermen, not exceeding three, who, if possessing the qualifications required by the charter of the city of Montreal, shall be elected in the manner prescribed by such charter, by the municipal electors of the territory so annexed, having the qualifications required by the charter of the said city, a list of whom shall have been previously prepared with due diligence by the secretary-treasurer of the said town of Sainte Cunégonde, who shall forward such list to the city clerk of the said city of Montreal

Aldermen.

Approval of by-law for purpose of annexation.

90. Every by-law, passed by the council of the town of Sainte Cunégonde to annex, upon the conditions therein mentioned, its territory to the city of Montreal, shall, in order to have force and effect and under pain of nullity, be duly approved by a vote of the majority of the council of the city of Montreal, to whom the power so to do is granted by this act, and shall further be approved, as soon as possible, by the majority of the municipal electors who are proprietors in the territory to be annexed, who have registered their votes upon such by-law.

91. After the above mentioned final approval by the electors of the territory so to be annexed, and within the thirty days following the forwarding of the list of electors by the said secretary-treasurer to the said clerk of the said city as above mentioned, it shall be the duty of the council of the city of Montreal to proceed to the election of aldermen to represent the new ward in the council of the said city, which said alderman shall remain in office as provided in the charter of the city of Montreal, or as shall be provided by any by-law to that effect.

Election of aldermen after annexation.

Term of office.

When these formalities shall have been complied with, the said new ward shall be incorporated with the city of Montreal, and shall be subject to all its existing or future by-laws, and shall enjoy all the rights, privileges and immunities conferred upon the said city, by its charter and the acts which amend the same, and shall be subject to all duties and obligations provided for in the said charter and its amendments ; but none of the provisions of this act shall have the effect of modifying or amending the charter of the city of Montreal, except in so far as what is mentioned in this act respecting annexation, and only in so far as to modify and amend section 4 of the said charter of the said city of Montreal, 37 Victoria, chapter 51.

Effect of complying with these formalities.

37 V., c. 51, s. 4, modified.

92. Whereas the interests of the town of St. Henri are identical with those of the village of Sainte Cunégonde, respecting their annexation to the city of Montreal, it is hereby enacted that sections 87, 88, 89, 90 and 91 of this act shall, *mutatis mutandis*, apply to the said municipality of St. Henri.

Sections 87 and 91 of this act to apply to town of St. Henri.

93. When annexed to the city of Montreal, the school commissioners of the municipality of the town of Sainte Cunégonde may continue to form a distinct corporation, under the name of the " school commissioners of the town of Sainte Cunégonde," subject to the provisions of the laws concerning public instruction.

Provisions as to school commissioners of town of Ste. Cunégonde when annexed to Montreal.

94. The dissentient school trustees of all the new wards annexed to the city of Montreal shall transfer all their school property and all arrears of school taxes to the Protestant board of school commissioners of the city of Montreal, who shall thenceforward have the management of the said schools ; and the said new wards shall be also subject to the laws now in force in the city of Montreal for all the purposes of protestant schools.

Provision as to dissentient schools in new wards of Montreal.

Sections 93
and 94 to apply
to St. Henri.
Power of school
commissioners
of Ste. Cuné-
gonde to trans-
fer their prop-
erty, &c., to
Catholic school
commissioners
of Montreal.

95. Sections 93 and 94 shall also, *mutatis mutandis*, apply to the town of St. Henri.

2. It shall be lawful for the said school commissioners of the town of Sainte Cunégonde to transfer all their school property and all arrears of school taxes to the Roman Catholic board of school commissioners of the city of Montreal, and thenceforward they shall be subject to the laws then in force in the city of Montreal for school purposes.

Coming into
force.

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

C A P. X C I.

An Act to authorize the sale of certain immovables belonging to the estate of the late Jean-Baptiste Renaud.

[Assented to 10th June, 1884.]

Preamble.

WHEREAS Dame Sophie Lefebvre, of the city of Quebec, widow of the late Jean-Baptiste Renaud, in his lifetime, of the city of Quebec, merchant, has, by her petition, represented that by his will, made at Quebec, before Mtre. Glackmeyer and colleague, notaries, on the twenty-eighth day of June, eighteen hundred and fifty-four, the said late Jean-Baptiste Renaud bequeathed his property to the said Dame Sophie Lefebvre, and gave them by substitution to the children issue of their marriage, and after the latter to the grandchildren of the said testator;

Whereas the said Jean-Baptiste Renaud departed this life on the first day of March, eighteen hundred and eighty-four, and the said petitioner came into possession of the said property, and amongst others of the immovables hereinafter described;

Whereas all the said immovables are joint acquests of the said community of property which existed between the said Jean-Baptiste Renaud and the said petitioner, and that certain of the said immovables are only undivided portions of immovables and all are substituted only for the half which belonged to the said testator;

Whereas it has been established that the said immovables cannot be used to any advantage by the said petitioner nor by the substitutes in the said substitution, that some of them cannot even be kept without suffering considerable deterioration, and it is in the interest of the petitioner and of all the substitutes that such immovables be sold and the proceeds thereof be applied in such manner that the substitutes' inheritance shall suffer no diminution;