

when made upon the mayor or secretary-treasurer of the municipality to whom they are addressed shall be valid and have full effect.

40. Sub-section four of section 39 of the Town Corporations General Clauses Act shall apply, except with respect to the qualification of the mayor, which shall be five hundred dollars only.

Application of certain sections of 40 Vic. c. 29, with certain amendments.

Section 154 of the same act shall apply, with this difference, that the security shall be for at least five hundred dollars.

Section 177 of the same act shall also apply, except that the valuation required shall be four hundred dollars only.

41. All proceedings, which are to be had before the Superior Court and the prothonotary, may be equally had before the Circuit Court of the county and the clerk thereof.

Proceedings before what court to be taken.

42. The French language shall be that used in all proceedings by the council and relating thereto, unless a resolution to the contrary be passed by the council.

French language to be used in council.

43. The presiding officer, appointed for the first election, shall in his notices specify the place, day and hour at which such election shall be held.

Duty of presiding officer at first election.

Amédée Archambault, Advocate, of St. Lin, in the district of Joliette, shall preside over the first general election of a mayor and councillors of the town of Laurentides.

44. This act shall not affect pending cases and shall come into force on the day of its sanction.

Pending cases not affected and coming into force of act.

CAP. LXXXII.

An Act to incorporate the Town of Hochelaga.

[Assented to 30th March, 1883.]

WHEREAS the rapid increase of the municipality of the village of Hochelaga and that of its population, render necessary the incorporation of the village as a town, under the name of the : " Town of Hochelaga ; " and whereas, by their petition, the rate-payers of the said village have prayed for its incorporation as a town, and whereas it is expedient to grant their prayer ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

Town incor-
porated.

Name and
general
powers.

1. The inhabitants of the territory, known as the "Village of Hochelaga," as hereinafter described and determined, and their successors shall be and are hereby constituted a body politic and corporate under the name of the: "town of Hochelaga," 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, answer and be answered unto 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, transferring and alienating any property, moveable or immoveable, 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.

Boundaries of
town.

2. The boundaries and limits of the town of Hochelaga shall be as follows, to wit:

"All that territory of irregular form, situate and being in the county of Hochelaga, in the district of Montreal; bounded in front, to the south-east, by the river St. Lawrence; in rear, to the north-west, by the boundaries of the municipality of the village of *la Côte Visitation*, as fixed by a proclamation of the twenty-fifth of October eighteen hundred and seventy, constituting the said municipality; on one side, to the south-west, by the limits of the city of Montreal; and on the other side, to the north-east, by the parish of Longue Pointe; the said extent of territory containing fifty-six arpents in front by forty two arpents in depth, at its greatest width, and containing an area of about two thousand three hundred and fifty two arpents."

Division into
wards.

3. The town shall be divided into three wards, which shall be respectively designated and known as "East ward," "Centre ward" and "West ward." They shall be bounded as follows:

The West ward, commencing at the division line between the town of Hochelaga and the city of Montreal, continuing along the same as far as the division line of the village of *la Côte Visitation*, to the west and north-west of the said ward, thence following the centre of Marlborough street, in the town of Hochelaga, as far as lot No. 148 of the cadastre inclusively, as the north-east line, and the river St. Lawrence, as the south-east line;

The Centre ward shall be bounded on the west by the

centre of Marlborough street of the said town, as far as lot No. 148 of the cadastre exclusively, on the north and in depth by the division line of the village of *la Côte Visitation* ; to the north-east by the centre of the proposed road of *la Côte St. Michel* ; and in front by the river St. Lawrence ;

The East ward shall be bounded on the west by the centre of the proposed road of *la Côte St. Michel*, in a straight line, from the river St. Lawrence, as far as the limits of the division line of the village of *la Côte Visitation* ; to the north by the division line of the village of *la Côte Visitation* ; on the east by the limits of the parish of Longue Pointe, and on the south-west by the river St. Lawrence.

4. Whenever a ward of the town of Hochelaga contains more than four hundred municipal electors, the town council may, upon a petition to that effect, signed by at least twenty five municipal electors in that ward, and presented in the usual manner, after causing the number of electors in such ward to be ascertained by the secretary-treasurer of the council, either alter the boundaries of the ward so as to reduce the number of electors to at least four hundred, or allow such ward an additional councillor, and in the latter case the number of representatives shall be increased to three.

Alteration of boundaries of wards.

Increase in number of councillors.

Nevertheless the number of councillors for each ward shall never exceed three.

The election of these new councillors will take place in the usual manner and the councillors of the said town shall then be elected for three years.

COMPOSITION OF THE COUNCIL.

5. The council of the town of Hochelaga shall consist of a mayor and six councillors, elected in the manner hereinafter prescribed ; the whole subject to the provisions of section 4 of this act.

Council.

6. The mayor shall be elected for one year, and the councillors for two years ; subject to the provisions of section 4 of this act.

Duration in office.

MUNICIPAL ELECTORS.

7. Every person shall be a municipal elector, and as such shall have the right to vote at the election of mayor and councillors, and to exercise all the rights and privileges conferred on municipal electors by the provisions of this act, who, at the time he exercises such rights and privileges, is under the following conditions :

Qualification of electors.

1. He must have attained the age of majority, and be a British subject ;

2. He must have been in possession, in the municipality, during the preceding six months, either in his own name or in the name and for the benefit of his wife, as appears by the valuation roll in force, as proprietor of real estate, of the actual value of at least one hundred dollars, or as tenant, farmer, or lessee, or as occupant by any title whatsoever, of real estate of the annual value of at least twenty dollars ;

3. He must have paid all the municipal and school taxes and all other municipal dues payable by him at the period of his exercising such right as elector ;

4. His name must be entered in the valuation roll in force in the municipality, either as proprietor, lessee or occupant, or on the list of municipal electors, if there is such list.

First general election.

8. The first general election for the town of Hochelaga shall be held in the month of January, 1884, in the manner provided by section 52 of the Town Corporations General Clauses act, and such election shall be presided over by a person chosen for the purpose, by the municipal council of the town as it at present exists.

Notice of election.

9. Eight days before the said general election and eight days before every general or partial election which may hereafter be held, public notice shall be given, by the secretary-treasurer or by the mayor, or officer presiding over such election, calling upon the electors of the municipality to attend a general meeting for the nomination, at the place and date indicated.

Omission of notice.

10. The omission to give such public notice shall not prevent the meeting of the municipal electors from being held for such election ; but the persons who have neglected to give such notice within the prescribed delays, shall each incur a penalty of not less than five nor more than twenty dollars.

President of election.

11. In the case above set forth the election shall be presided over by the person selected for that purpose by the council or in his default, shall be presided over *ex officio* by the secretary-treasurer of the municipality and, in default of the latter, by a competent person who can read and write, chosen by the majority of the electors present.

The presiding officer shall, in all cases, appoint an election clerk to assist him in the execution of his duties relative to the elections. In the event of the secretary-treasurer being absent or unable to act, the election clerk shall discharge all his duties and under the same penalties.

12. If any person possesses in the municipality, as proprietor, parcels of real estate, the value of which does not amount to two hundred dollars each, and which are situated in different wards, he may, provided the total value of such real estate together be at least two hundred dollars, vote in the ward in which he resides, for the election of mayor, and for the election of the councillors of such ward.

Proviso as to qualification of certain electors.

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

Right to vote only once.

14. In preparing the valuation roll for the town of Hochelaga, the assessors shall be obliged to comply with the provisions of articles 719 and 942a of the Municipal Code of this Province, which articles shall apply to this act and form part thereof; the said article 942a being amended, for the purposes of this act, by adding to the word: "roads" the words: "open to the public."

Valuation roll, how prepared.

Municipal Code forms part of this act.

15. It shall be lawful for the town council to borrow upon the credit of the town such sum or sums of money as the town council may deem advisable to borrow, in order to effect improvements in the town, to erect public buildings, to drain the streets or provide the town with water and light, and finally for all purposes which the council may deem useful or necessary; but the amount borrowed and remaining unpaid shall not, at any time, exceed fifteen per cent of the total assessed value of the taxable real-estate in the town.

Town may borrow money.

16. The loans effected by the town, both by the issue of bonds or otherwise, shall only be made by by-law of the council to that effect, approved by the majority in number and in value of the real-estate owners who are municipal electors, and who vote on such by-law.

By-law for that purpose.

17. 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

Power to levy taxes for certain purposes.

by simple resolution or by by-law, as it may deem proper, on persons and on moveable and immoveable property in the town, the taxes hereinafter designated, that is to say :

On certain
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 one quarter in the dollar on their total real value, as entered on the assessment roll of the said town ;

On owners of
certain
animals and
chattels.

2. On the owner or possessor of the following moveable 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 above the age of three years, and kept for ordinary domestic purposes, at fifty dollars ;

Every head of horned cattle, two years of age 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 farmer's waggons, the owners or possessors whereof pay the town for licenses as carters, or common carriers, shall be exempt from such taxes ;

On tenants.

3. On each tenant paying rent in the town and occupying a property, valued at less than ten thousand dollars, an annual tax not exceeding three cents in the dollar on the amount of his rent ;

On persons.

4. 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 dogs.

5. On every person keeping a dog or dogs, in the said town, an annual sum of two dollars for each dog ;

6. On every person keeping a bitch or bitches in the town an annual sum not exceeding three dollars ;

On houses of
entertainment
&c. and on

7. And it shall be lawful for the town of Hochelaga, for the purposes mentioned in the preceding section, to impose

and levy certain annual duties or taxes on the proprietors or ^{trades and} occupants of houses of public entertainment, taverns, coffee- ^{traders, &c.,} houses, and eating-houses, and temperance hotels, and on all ^{generally.} 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, ten-pin 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 or 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 a by-law or by-laws of the council of the town of Hochelaga, and shall be in proportion to the amount of the business, industry, trade, and revenue of each person, according to the valuation, which shall be annually made by the assessors, 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 one hundred dollars.

And every person, in the said town, practising the pro- ^{On advocates,} fession of an advocate, physician, dentist, land-surveyor, ^{&c.} or notary or any other liberal profession, or acting as a civil officer appointed by the federal or by the provincial government, or as prothonotary of the Superior Court of this Province, or as sheriff, provincial land surveyor or employed in the service of another and whose salary exceeds five hundred dollars shall, for the same purposes, be assessed at the sum of six dollars annually; and the said town council may order the assessors to make the roll of ^{Roll to be} the persons, industries, companies, employment, quality ^{made.} and moveable property mentioned in the different parts of this section.

18. Every person having an office in the said town, and ^{Personal taxes} practising therein the profession of an advocate, physician, ^{on professional} land-surveyor, notary, dentist, surgeon, oculist or any other ^{men.} liberal profession, shall pay an annual tax not exceeding four dollars.

Sales for taxes
how stayed.

19. The sale of moveables, under a writ of attachment, shall only be stopped upon the order of a judge of the Superior Court, given upon a petition presented, in chambers, two days before that fixed for the sale or to the Circuit or Superior Court after giving notice to the town, at least one clear day before presenting the petition.

Prescription
of arrears of
taxes.

20. All arrears of municipal taxes imposed upon real estate are prescribed by three years, and all other arrears of municipal taxes or claims by five years, unless in both cases legal proceedings have been taken to effect or prevent the collection thereof during the said period, and in such case the delays for prescription shall only begin to run from the date when such proceedings are concluded.

Suit for taxes
before what
court brought.

21. The payment of municipal taxes may be also claimed by an action brought in the name of the corporation, before the magistrate's court, or the circuit court for 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 that the amount claimed be under one hundred dollars currency.

Statement of
arrears of
school rates
and taxes.

22. On or before the fifteenth of November in each year, the secretary-treasurer of the school commissioners or trustees of the town of Hochelaga, if ordered, shall prepare a statement of all the assessments remaining due on the collection rolls for the taxes of the current year and of the arrears due to the school municipality by the inhabitants who are owners of lots or properties within the limits of the town, or incurred under any act relating to common schools, with a designation of such lots or properties in respect of which such taxes or assessments or other debts shall be due and shall transmit to the secretary-treasurer of the town of Hochelaga a duly certified copy of such statement.

List of real
estate upon
which taxes
are due to be
prepared and
what to
contain.

23. On or before the first day of December in each year, the secretary-treasurer of the town shall prepare, if he is ordered to do so by the council, a list of all the lands, town lots or parcels of lots or other immoveables in the town liable to taxation, upon which any assessments or other dues remain unpaid, and such list shall show :

1. The names and conditions, as indicated on the valuation roll, of all persons indebted for municipal taxes or dues on real estate owned or occupied by such persons ;

2. The amount of school taxes due by each of these persons up to the time of the making out of such list, if a state-

ment of such arrears has been presented in time at the office of the council by the secretary-treasurer of the school commissioners or trustees.

3. A description of the real estate liable for municipal or school taxes ;

4. The total amount of such taxes affecting such real estate for municipal or school purposes ;

And he shall cause to be inserted at least twice, once Advertisement of sale. during the month of December and once during the month of January, in a French newspaper and in an English newspaper published in the district of Montreal, and in French and English in the " Quebec Official Gazette ", a notice containing a list of all such immoveable property, upon which taxes or assessments remain due, showing opposite or after their numbers or designations the amounts to be raised for the discharge of these taxes or assessments or other dues, including all costs and expenses incurred up to the publication of the said notice exclusively, and announcing that the immoveables will be sold on the first Monday of the month of February then next following, or on the following day if that first Monday be not a juridical day, at the place where the sittings of the council are then held, for the payment of the taxes or assessments or other dues, and he shall moreover give public notice of such sale on the two Sundays immediately preceding the day of the sale, specifying the place, day and hour at which such sale will commence.

24. All goods and chattels, to be sold under the authority of this act, for the payment of taxes or assessments or other dues, shall be offered at public auction ; but such goods or chattels so publicly sold, shall be exempt from auction duty, and need not be sold by a licensed auctioneer. Sales of moveables to be by auction.

25. At the time appointed for the sale, the secretary-treasurer of the town of Hochelaga, or some other person acting for him, sells to the highest bidder, those of the lands described in the list upon which taxes are still due, after making known the amount to be raised on each of such lands, including therein a part of the costs incurred for the sale, proportionate to the amount of the debt. Proceedings at sale of lands for taxes.

26. Any person, offering then and there to pay the Idem. amount of the moneys to be raised together with the costs, for the smallest portion of such lands, becomes the purchaser thereof, and such portion of the land must be at once adjudged to him by the secretary-treasurer, who sells such

portion of the property as appears to him best for the interest of the debtor.

Obligations of purchaser. **27.** The purchaser of any land or portion of land must pay the amount of his purchase money immediately upon the adjudication thereof.

Proceedings in default of payment by purchaser. In default of immediate payment the secretary-treasurer either at once puts up the land for sale or adjourns the sale to the following or any other day, not more than eight days distant, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Adjourned sale. **28.** If, at the time of the sale no bid is made or if all the lands put up cannot be sold on the first Monday in February, the sale must be adjourned to the following or any other day within eight days, in the manner set forth in the last provision of the preceding article.

Rights of purchaser. **29.** On payment by the purchaser, of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser specifying the particulars of such sale, and one certificate will suffice for the adjudication of several lots to the same person, and the purchaser is immediately seized of such lot or parcel of land and may forthwith enter upon and take possession thereof. The secretary-treasurer shall have a right to a fee of not more than one dollar and a half for the said certificate, as the council may order.

Purchaser not to deteriorate property. **30.** No such purchaser of any lot of land or part thereof shall deteriorate it in any way nor carry away the buildings or fences erected on such property or any part of it; and it shall be the duty of the former proprietor, before he can recover possession of his lot of land or part of it so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession.

Redemption of lands sold. **31.** If, within two years from the day of such sale, the original owner of the lot, or any one on his behalf pays to the secretary-treasurer the amount levied, together with, in addition an indemnity of fifteen per cent per annum, any fraction of a year being counted as a complete year, then he shall be entitled to recover possession of the lot of land so sold, and the secretary-treasurer shall, on demand, pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent, as his own fees; and

thereupon (subject to the condition contained in the next following section) the right acquired by the purchaser in the land shall thenceforth wholly cease and become void, and the purchaser may compel the owner, or the person who redeems the land in the name of the owner, to indemnify him for all useful repairs and improvements made by him on the land so redeemed, unless he removes the same, and also to reimburse him the amount of the taxes paid, and of the public or municipal work performed on account of such land, with an indemnity on the whole at the rate of fifteen per cent per annum, every fraction of a year being reckoned as a year.

This claim is privileged in favor of the purchaser upon the land in question.

The purchaser may retain possession of the land redeemed until payment of such claim.

32. Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only. Who may redeem.

33. Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention, in the receipt given by him for the redemption money, the name and designation of the person paying the same. Receipt in certain cases.

34. Every such receipt shall be made in duplicate ; one duplicate shall be delivered to the person paying the redemption money and the other shall remain of record in the office of the secretary-treasurer. Receipts how given.

35. Every such receipt or a copy thereof, certified by the secretary-treasurer, shall be proof of the payment mentioned therein, and when registered in the registry office of the county of Hochelaga, shall secure to the person therein mentioned, his heirs or assigns, a privilege and hypothec, ranking before all other claims upon the lot or parcel of land so sold, for the reimbursement of the sum therein mentioned, with interest to be reckoned from the date of such receipt, except claims for *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the Seigneurial Act of 1854, and the acts amending the same. Receipts proof of payment.

36. If at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon If property not redeemed, rights of purchaser to deed, &c.

proof of the payment of the arrears of all other assessments which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the mayor and town of Hochelaga, the property so adjudged to such purchaser, his heirs and assigns.

Effect of deed
of sale.

37. Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also relieve such land of all privileges and hypothecs due thereon, except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes* as provided by the Seigniorial Act of 1854, and the acts amending the same.

Town not res-
ponsible for
irregularities
caused by
school commis-
sioners.

38. The town of Hochelaga, shall not be responsible for irregularities which would annul the sales of lots of land within the limits of the said town when these irregularities shall be the act of the school commissioners or trustees, their agents or servants; but the said school commissioners or trustees for the municipality of the town of Hochelaga

Right of action
in warranty
against School
Commissioners

alone shall be answerable for the same. In actions taken against the town of Hochelaga on account of such irregularities, the said town of Hochelaga shall have a right to exercise its recourse in warranty against the said school commissioners or trustees, by direct action or otherwise, for the recovery of all damages, interest, indemnity or costs which the town is liable for, on account of such irregularity.

Sales of land
for taxes, &c.,
by whom to be
made.

39. The secretary-treasurer of the town of Hochelaga shall alone have the right in future to sell lots of land in the town of Hochelaga for the recovery of municipal or school taxes and assessments as above mentioned.

List to be
furnished by
secy. treas. of
school comm's,
to secy. treas.
of town.

40. Whenever the secretary-treasurer of the said school commissioners or trustees shall transmit to the secretary-treasurer of the town of Hochelaga a list or statement showing the lots on which the school commissioners or trustees claim school taxes or assessments, or arrears, and the names of the proprietors of the said lots and other particulars required, with an order from the said school commissioners or trustees to advertise such lots for sale, owing to non-payment of such taxes, assessments or arrears, the said secretary-treasurer of the town of Hochelaga shall advertise them for sale and shall collect the said school taxes or assessments by the sale of the said lots of land in the manner above-mentioned for the collection of municipal taxes, whether he be ordered to do so by the council or not.

41. Every action to annul a sale, made in virtue of this act, for taxes or assessments by order of the mayor and town council of Hochelaga or of the school commissioners or trustees for the municipality of the town of Hochelaga, shall be taken within the two years following the adjudication of the property sold; and no action to annul a sale made as aforesaid or to recover damages either against the town of Hochelaga or the school commissioners or trustees shall be maintained, unless it is taken within the two years of the said adjudication. Prescription of suits to annul sales, &c., for damages, &c.

42. The denial of such action enacted by the preceding section shall extend to any exception or plea whatever setting forth the nullity of every such sale or claiming damages and interest. Effect of section 41.

43. Every tax or assessment, imposed by virtue of this act, on any property or house in the said town, may be recovered either from the owner or from the tenant or occupant of such property or house; and, if such tenant or occupant be not bound by lease or otherwise to pay such tax or assessment, such tenant or occupant may and shall have a right to deduct the sum so paid by him from the rent which he shall be obliged to pay for the occupation of such property or may recover the amount of such taxes from the proprietor with costs. Taxes, from whom recoverable.

44. All debts, now due to the said town of Hochelaga 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. Debts due town are privileged. Duration of privilege.

EXPROPRIATION FOR MUNICIPAL PURPOSES.

45. It shall be lawful for the council of the town of Hochelaga, at any time, to cause public streets, highways, by-roads, avenues, squares and boulevards, within the whole extent of the limits of the municipality, to be laid out, fixed and determined under the direction and supervision of the corporation and of the provincial land surveyors who are now employed or shall be employed by it, and Expropriation for municipal purposes.

under the conditions prescribed by said corporation ; provided that when the works or improvements mentioned in this section are charged to a portion only of the inhabitants of the town of Hochelaga, such works or improvements shall not be made without the consent of the majority in value of the persons called upon to pay the cost thereof. It shall be lawful for the said town to give a name to each of the said public streets, highways, by-roads, avenues, squares and boulevards ; and, for that purpose, the said corporation may employ a sufficient number of surveyors, or other competent persons, who shall, with all due diligence, proceed to lay out, fix and determine, under the direction and supervision as aforesaid and under as uniform a system as circumstances may permit, such public streets, highways, by-roads, avenues, squares and boulevards, as aforesaid, of such dimensions, width and extent as may appear to them most desirable in the public interest.

Power of
surveyors
effecting sur-
veys for such
purpose.

46. The surveyors or other persons, employed in the exercise of the duties assigned to them in and by the preceding section, may, and they are hereby authorized, to enter, in the day time, upon any property or real estate, within the limits of the said municipality, and they shall, under the direction and supervision aforesaid, make out plans or maps, at the expense of the corporation, indicating the streets, highways, by-roads, avenues, squares and boulevards, now existing, as well as those they shall lay out and determine by virtue of this act ; and they shall designate, upon the said plans or maps, the new lines of such streets or sections of streets, public highways, by-roads, avenues, squares and boulevards that the said corporation may have determined to widen in the interest of the public.

Streets &c may
be laid out and
plans pre-
pared.

47. It shall be lawful for the said corporation to cause public streets, highways, by-roads, avenues, squares and boulevards to be laid out and the plans and maps thereof to be made for such portion of the said municipality as may be determined by the council, separately ; beginning with the western part of the said municipality adjacent to the city of Montreal ; but the plans or maps of such separate portions of the municipality laid down as aforesaid, shall be so made as to correspond with each other, so that, when completed, they shall make but one and the same plan, to be known as the : " General plan of the municipality of the town of Hochelaga."

Deposit of
general plan
of town.

48. When a plan or map of the municipality or of any portion thereof, to be determined as aforesaid, shall be completed and approved by the council ; and whereas a

plan has already been drawn up for the municipality of the village of Hochelaga by a sworn land surveyor, J. A. U. Beaudry, which plan has been approved by the council of the said village, and whereas the council of the town of Hochelaga might deem such plan sufficient, the corporation, by attorney or counsel shall apply, by summary ^{Application for homologation thereof.} petition, to the Superior Court in and for the district of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented, in two newspapers, published one in the English and one in the French language, in the city of Montreal; provided ^{Notices therefor.} that the said notice shall, at least, have two insertions in each of the said newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice and that of the presentation of the said petition.

49. Every such plan or map, when confirmed by the ^{Effect of homologation of plan.} Superior Court, shall be final, decisive and binding upon the said corporation and proprietors therein interested and upon all other persons; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, by-roads, avenues, public places, squares or boulevards indicated on the said plan, for any building or improvement whatsoever which the proprietors or other persons 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, by-roads, avenues, squares or boulevards, or for the widening of any of the said streets, public places or boulevards of the said municipality; provided that the expropriation takes place within ten years from the date of the homologation of the said plan and of the part thereof which includes such expropriated property; and provided also that nothing contained in this act shall be construed as depriving the said corporation of the right of widening any of the streets, public places or boulevards, designated in such plan, after its confirmation, if deemed advisable so to do; but, after any such plan shall have been confirmed, no alteration shall be made unless approved by a vote of two-thirds of the members of the council.

50. A duplicate of the said plan shall be deposited, immediately after its completion, in the office of the prothonotary ^{Duplicate of plan where to be deposited.} of the Superior Court and another in the archives of the said corporation; and when such plan shall have been confirmed and ratified by the Superior Court, as aforesaid, the secretary-treasurer shall make an entry, upon the duplicate of the said plan deposited in the archives of the said corporation,

[illegible]

New streets
may be
opened.

51. The said corporation shall have all the necessary powers to open to the public, whenever the said corporation shall deem it advantageous to do so, in the interest of the municipality, any new street, highway, public place or boulevard, shown on the said plans or maps, also to widen any of the streets, highways, public places or boulevards thereon indicated as widened, after having adopted, however, the formalities and procedure prescribed by this act.

New streets
what are
meant by.

52. The designation of new streets, public places and new boulevards in and by this act, applies to such streets, public places and boulevards as have not been opened and named before the passing of this act.

RECORDER'S COURT.

**Recorder's
Court.**

53. There shall be, if the council so decides by by-law to that effect, a court of record, in the said town, to be called the "Recorder's Court of the town of Hochelaga," and thereupon all the following provisions of this act shall apply thereto.

By whom held.

54 The said court shall be held by the recorder, to be appointed as hereinafter provided.

Jurisdiction.

55. The said court shall have exclusive jurisdiction and shall hear and determine summarily:

Suits for taxes.

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

Suits for rent
of butchers,
stalls, &c., on
market

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

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

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

60. The said recorder's court shall also have summary Suits for rent, &c., due corporation. jurisdiction in cases of lease, use, and occupation of stalls, markets, cattle-stands or other immoveable property of the said corporation, for the recovery of the rent or of the sum due to the said corporation for the use and occupation thereof.

61. And the said court and the said recorder shall have Power of court with respect thereto. and exercise, for this purpose, all the powers and jurisdiction granted in this respect by law to the Superior or Circuit Courts, or to the judges thereof.

62. The said recorder's court shall also have concurrent Concurrent jurisdiction of Recorders Court and Superior Court and Circuit Court in certain cases. jurisdiction with the Circuit Court, or with any judge of the Superior Court in the district of Montreal, as to matters between lessors and lessees, and may act in virtue of chapter forty of the Consolidated Statutes for Lower Canada, intituled: "an act concerning lessors and lessees," and of the legislative provisions amending the same, in the same manner and with the same formalities as the said Circuit Court, or any of the judges of the said Superior Court, is directed to proceed in and by the above last cited act, as regards the ejection of the lessee for deterioration of the premises leased, or for refusing or neglecting to pay his rent, or for using the premises leased contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired. And the recorder's court shall have and possess, to that end, all the necessary powers and authority, including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which costs however shall not include any attorney's fees; provided always, that the competency of the recorder's court shall be limited to cases where the consideration or annual value of the property occupied shall not

exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the town; and the law-stamps, which would require to be affixed to proceedings of the nature of those mentioned in this section in the Circuit Court, shall be affixed to such proceedings before the recorder's court.

Court may try
certain
offences.

63. The said court may take cognizance of and determine in a summary manner, all offences against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, in so far as the provisions of the said act are applicable to the town of Hochelaga and, also:

Suits for
penalties.

64. Any suits for the recovery of fines or penalties imposed in virtue of any act or by-law now in force in the town, concerning the markets in the town, or any suit for the recovery of any fine or penalty imposed by this act or by any by-law of the council, now, or to be hereafter in force, and incurred for any infraction of the provisions of such act or by-law.

Certain
articles of Code
of Procedure to
apply.

65. The 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, of the Code of Civil Procedure of Lower Canada, as amended by subsequent acts, shall apply *mutatis mutandis*, as the case may be, to the town of Hochelaga and to the recorder's court.

Delay upon
garnishees
writs of
summons.

66. The delay of summons in the case of seizure by garnishment after judgment shall be the same as that in ordinary civil actions issued by the recorder's court.

Court when,
and where to
be held.

67. The said court shall, for the purposes aforesaid, be held from time to time, as occasion may require, in the town hall, or in such other place in the town, as shall be set apart for the purpose, by the council of the town.

Qualification of
recorder.

68. The recorder shall be a barrister of the Province of Quebec, of at least five years standing, and shall be appointed by the Crown during pleasure; he shall be *ex officio* a justice of the peace in and for the district of Montreal;

His salary shall not be more than eight hundred dollars per annum, and shall be payable monthly out of the funds of the town; and the office of recorder shall not prevent a barrister from practising in any court of justice other than the said recorder's court, any provision of the law to the contrary notwithstanding.

69. The recorder may, from time to time, by an instrument in writing, under his hand and seal, to be deposited and registered in the office of the clerk of the recorder's court, appoint some fit and proper person, to be his assistant and act as his deputy in the event of his illness or necessary absence from the town; and any such nomination and appointment may, from time to time, be revoked, and again made by such recorder, as circumstances may seem to require.

70. Every person so appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid, until the revocation thereof, have, and possess all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the recorder for the town, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid; provided nevertheless, that the recorder's court shall not at any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder of the said town be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.

71. In case of the death of the recorder, the said deputy shall act as such until the lieutenant governor shall have appointed a recorder in accordance with the law.

72. The clerk of the recorder's court shall be appointed by the council of the town during pleasure.

73. The said clerk may, from time to time, by an instrument under his hand and seal, to be acknowledged by him before the recorder, and duly deposited and filed in the office of the recorder's court, and entered in the register thereof, appoint a fit and proper person, to be and act as his deputy in the discharge of all and every his duties as clerk of the recorder's court, and may remove any person so appointed, and appoint another in his stead.

74. So long as he holds office, the said deputy shall fil all the duties imposed and shall be invested with all the powers conferred by this act, on the clerk of the said court.

75. The clerk of the recorder's court shall prepare and make out all summons, orders, writs and warrants whatsoever, which shall be issued by the said court.

Idem.

76. He shall conduct, on behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are the corporation of the town of Hochelaga, all cases and suits cognizable by and within the jurisdiction of the court, except in cases where the corporation shall deem it expedient to appoint an attorney, or to associate him with counsel.

Oath of office
of clerk &c.

77. The clerk and his deputy, shall respectively take an oath of office, before the recorder's court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk.

Register to be
kept.

78. He shall enter daily, and in a succinct manner, in a register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said court.

Proceedings
how entered in
register.

79. It shall not be necessary for the clerk of the recorder's court to enregister at full length the proceedings, judgments and convictions of the said court; but a roll only of the said judgments and one of convictions shall be duly kept by the said clerk, wherein shall be set forth in the first case, the name of the defendant, the nature of the debt, and the date of the judgment, and in the second, the nature of the offence, the penalty and the date of conviction, and the notes of proceedings, noted in the original summons or plaint, shall be sufficient evidence thereof; provided, that in cases when the defendant requests, prior to the hearing of the case, to have the proceedings entered as heretofore, the above provisions shall not apply.

Deputy to act
on death of
clerk.

80. In the event of the death of the clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the council.

Writs to be in
the sovereign's
name, &c.

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

Complaints in
certain cases
need not be in
writing.

82. In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the town, for an offence against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, or of any act amending the same, or of this act, or of any by-law now in force, or which shall be in force in the town, it shall not be necessary that the complaint

be reduced to writing, but a verbal complaint, under oath, made before the recorder's court, by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

83. If such person demands that the complaint be reduced to writing, the court shall direct the clerk to reduce the said complaint to writing. Must be in writing if demanded.

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

85. In civil actions, there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into court. Delays upon summons.

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

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

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

Delays for
payment on
conf. ssion.

89. 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.

Examination
of witnesses.

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

Interrogatories
upon articu-
lated facts.

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

Execution of
writs.

92. The court shall also have power to compel the execution of any writ, order, warrant, or summons issued as aforesaid, by the said court, and to that end it shall be invested with all the powers and authority enjoyed in that respect by the ordinary courts of civil jurisdiction in the Province of Quebec.

Rules of
evidence.

93. In any civil action, the court shall, as regards the admissibility of oral testimony, and the competency and the number of witnesses, follow the rules prescribed in that respect by the law, in relation to civil matters, subject however to the following provisions.

Competence of
officers of
corporation as
witnesses.

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

One witness
sufficient.

95. Any assessment, tax, duty or sum of money due to the corporation, as aforesaid, any penalty or fine which may be claimed or sued for in the court, shall be recoverable on the oath of one competent witness, and any person accused in the court of any offence within the cognizance of the said court, may also be condemned on the oath of one credible witness.

Depositions of
witnesses must
not be in
writing.

96. The deposition of the parties or of the witnesses both in civil cases and in cases of complaint or prosecution for offences as aforesaid, shall not be reduced to writing.

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

98. The council of the town shall appoint, from ^{Bailiffs by} time to time, by resolution, a sufficient number of persons ^{whom appoint-} competent to fulfil the duties of bailiffs of the recorder's court, and the council may dismiss such persons at any time, and appoint others in their stead. ^{ed.}

99. Upon such appointments being made, the mayor ^{Commissions to} of the town shall issue commissions, appointing such ^{bailiffs after} persons bailiffs of the court, under the seal of the town, ^{appointment.} and signed by himself and by the clerk of the town.

100. Every such bailiff shall take an oath of office in the ^{Oath of office,} recorder's court.

101. Every bailiff, the bearer of a writ of summons, or ^{Returns to} writ of execution, or any other writ issued out of the ^{writs &c. by} court, shall make returns, under his oath of office, of ^{bailiffs in} all proceedings taken by him in relation to said writ, and ^{civil suits.} such return shall suffice for all lawful purposes.

102. The service of any summons, in case of prosecutions ^{Proof of} for offences, as above mentioned, shall be proved in open ^{service in} court by the bailiff, constable, or peace officer, who shall ^{prosecutions.} have made such service, and the services of summons to witnesses, or of any other order of the court requiring to be served, shall be proved in the same manner.

103. The execution of any judgments rendered in any ^{Execution of} civil action, as above mentioned, shall be levied by the ^{judgments.} seizure and sale of the goods, moveables, and effects of the defendant.

104. No writ of execution shall be issued until the expi- ^{Delay for} ration of eight days after the day on which judgment shall ^{execution.} have been rendered.

105. The bailiff, the bearer of the writ of execution, shall ^{Sales of} proceed to the seizure and sale, in the manner prescribed ^{moveables} and practised in cases of seizure and sale under execution, ^{under execu-} issued by any ordinary court of civil jurisdiction in the ^{tion.} Province of Quebec ; subject, however, to the provisions contained in sections 375, 376 and 377 and following of the Town Corporations General Clauses Act.

Proviso if property already under execution.

106. If the property of the defendant is 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 not make any seizure, and, upon production to him of the minutes of the said seizure, he shall hand over the writ issued by the recorder's court to the sheriff of the district, or to the bailiff who shall have made the seizure, as the case may be.

Effect of delivery of writ to officer.

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

Sale of real estate under *feri facias de terris* in default of sufficient of moveables, &c.

108. If the defendant does not possess any goods or chattels within the district of Montreal, or in case they are not sufficient to satisfy the amount of the judgment obtained, or if, after the sale of the said goods and chattels of the defendant, a balance on such judgment still remains due to the corporation, in all such cases, if the sum due exceeds fifty dollars, and the defendant possesses any immoveable property, lands or tenements within any district in the Province of Quebec, then the recorder's court may issue a writ *de terris*, signed as aforesaid, and addressed to the sheriff of the district in which such immoveable property is situated.

Fieri facias de terris where returnable.

109. The said writ shall be returnable into the Superior Court for the district of Montreal.

Duty of Sheriff on receipt of writ.

110. Upon the receipt of such writ, the sheriff to whom it is directed, shall act and proceed in all respects as regards the said writ, as if it had been issued by the Superior Court, and he shall make a return thereon of his proceedings in respect of its execution, to the Superior Court, as hereinbefore provided.

Ulterior proceedings.

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

Court may issue certain

112. The recorder's court may issue writs of attachment after judgment in the same manner as the ordinary courts

of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of attachment.

113. The recovery of all fines adjudged in the recorder's court, shall be proceeded with, in pursuance of the by-law imposing such fine, by writ of execution against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be, and such writ and warrant shall be issued in the manner above stated.

114. In any suit, action or prosecution brought by the corporation, in the recorder's court, it shall not be necessary to specify or recite the act or by-law under which such suit, action or prosecution shall be brought ; but it shall be sufficient to state that it is in virtue of the act or by-law in that behalf made.

115. The council may make and establish a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the tariff, from time to time ; but neither the tariff, nor any of the changes made therein, shall have force and effect, until the same shall be approved by the lieutenant governor in council.

116. The recorder's court may be held and may sit as many times as it may be necessary each day, without previous notice, and may fix any time for the summary hearing and determination of offences committed by any person against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, hereinbefore mentioned, or the provisions of any act or by-law now in force, or that may hereafter be in force in the town ; and for summarily hearing and determining the case of any vagrant, loose, idle, or disorderly person, and other offenders arrested by, or in charge of, the police of the town, or the cases of persons arrested on view, or immediately after the commission of any offence, as aforesaid, or by warrant issued out of the recorder's court, or by the recorder, or by any justice of the peace for the district of Montreal.

117. The police of the town, or any other constable, or peace officer may bring before the court, or before the recorder, any person offending, as aforesaid, against the provisions of the acts or by-laws aforesaid, and any vagrant, loose, idle, or disorderly person, and any person

arrested, as aforesaid, to be then and there dealt with according to law, as the recorder's court or the recorder may judge and determine.

Court may
proportion
fines.

118. The recorder's court shall have the power of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in this act, and in the acts for the government of the town.

Proceedings by
summons or
warrant.

119. The council, in all cases of offences for the commission whereof a fine or imprisonment is imposed by any by-law of the council, may proceed against the delinquent, 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 how
recovered.

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

Recovery of
fines incurred
by a corpora-
tion &c.

121. In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association, or society, in virtue of a writ of execution issued from the court, and proceedings shall be had upon the writ in the manner prescribed for seizure and execution in civil matters.

Recovery of
fines against
joint owners
&c. of
property.

122. Any joint-owner or occupant of any lot, house, building or other real property in the town, complained of for violation of any by-law of the council now or hereafter to be in force, bearing upon such joint-owner or occupant, or upon the lot, house, building or other real property in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence of what nature soever against the provisions of any by-law of the council, may be sued alone or conjointly with his co-owners or co-occupants, in the recorder's court, as may be deemed advisable, as also any agent of the said joint-owner or occupant; and in the suit to be

instituted, it shall be sufficient to mention the name of such joint-owner, or occupant, or of such agent, with the addition of the words "and others"; and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, shall be deemed sufficient, any law, usage or custom, to the contrary notwithstanding.

123. And the corporation or any municipal elector may institute any proceedings for that purpose in the name of the town of Hochelaga, as provided in the next section. Suits by whom brought.

124. Any action instituted by the corporation in virtue of this act, or any act or by-law relating to the town, for the recovery of any tax, duty or assessment or of any fine, shall be brought in the recorder's court, or in any other court of justice having jurisdiction, in the name of the town of Hochelaga. Suits by corporation where brought.

125. All fines sued for and recovered in the recorder's court, under and by virtue of this act, or any other act or statute now in force or to be hereafter passed in relation to the town of Hochelaga, shall belong to and form part of the general funds of the town, unless otherwise provided in such statute. Fines &c. to belong to corporation.

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

127. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, accompanied by a recommendation of the judge or magistrate who shall have imposed the fine; the said petition shall be presented by the person asking such remission, and not otherwise. How effected

128. Any member or officer of the council who shall infringe the provisions of any of the two next preceding sections, shall incur a fine not exceeding twenty dollars for each offence. Penalty on member &c of council for breach of sections, 127 and 128.

129. Any remission of any fine or costs, in violation of the provisions of this act, shall be considered as null and of no effect. Effect of remission if against provisions of this act.

130. Whenever in the present or any other act relating to the town of Hochelaga, or in any by-law, rule or order, Imprisonment where to be.

as aforesaid, imprisonment is imposed, such imprisonment shall be presumed and held to be in the common gaol of the district of Montreal.

Discretion of
court as to
costs.

131. The recorder's court may use its discretion in awarding or withholding costs, or in ordering each party to pay his own costs.

Formalities,
&c as to by
laws need not
be alleged or
proved in suits
by corpora-
tion.

132. In any action, proceeding or complaint by the corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that such by-law has been transmitted to the lieutenant governor; but the fact that such formalities have been observed shall be presumed, until proof to the contrary be shown.

Summons
&c. may be
amended in
certain cases.

133. In all cases where, in any action or summons in civil or penal matters, there shall be variance between the allegation and the proof relating to the Christian or surname, the addition, description, or residence of any 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 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.

II. RECOVERY OF PENALTIES.

1. General Provisions.

Certain
sections of 40
Vic., cap. 29
to apply to
recovery of
penalties
until Recorder's court
established.

134. Until such time as provision is made for the establishment of a Recorder's Court in the town of Hochelaga, the recovery of penalties shall be effected and suits taken under the provisions contained in the following sections of the Town Corporations General Clauses Act and the amendments thereto, to wit: Sections 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, and 440.

III. FINAL PROVISIONS.

Present
council when
to retire.

135. The members of the council of the village of Hochelaga shall all go out of office in the month of January next, and, in the interval before such date, they shall constitute the council of the town of Hochelaga and exercise all the powers conferred upon the said town by this act.

In the event of resignation or inability to exercise the office either of mayor or of councillor during the course of the present year, the said mayor or councillors shall be replaced in the manner provided by the Municipal Code of this Province.

136. All the by-laws, ordinances, agreements, provisions Existing by laws &c. undertakings and contracts and things passed and agreed to by the council of the village of Hochelaga, and all valuation or collection rolls, whether general or special, made and homologated by the council of the village of Hochelaga, excepting (as to such rolls) what relates to the exemption from taxes granted by a resolution of the council in virtue of article 943 of the Municipal Code, shall continue to have full effect and remain in force, both for the past and the future, in the town of Hochelaga, 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 Hochelaga.

And in order to avoid law-suits which might entail considerable costs upon the town of Hochelaga, the town of Certain taxes &c. declared to have been lawfully levied &c. Hochelaga 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 Hochelaga 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.

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

This section shall not affect pending cases.

137. The Councillors of the town of Hochelaga shall be Councillors for what time elected, &c. elected for two consecutive years; but in such manner that, every year, three of the said councillors shall go out of office, one for each ward, that is to say that one year after the general elections, which shall take place as provided by this act, it shall be decided by lot, at a regular meeting of the council, which three councillors, one for each ward, shall go out of office at the expiration of such first year.

138. The moveable or immoveable properties, situate in Certain exempted property taxable for certain purposes. the municipality of the town of Hochelaga, and which according to law are or shall be declared exempt from taxation for the purpose of meeting the general expenses of the

municipality, shall nevertheless be taxable for the purpose of making and maintaining roads, streets, water-courses, drains and ditches, and the proprietors, possessors, holders and occupants of such properties shall be bound to pay to the town the special tax fixed by the council by by-law to meet the expenditure occasioned by such work; the said properties shall likewise be assessable, and the owners thereof shall be bound to pay all special assessments or water rates which may be imposed by the council.

The council may nevertheless exercise its discretion, in imposing such taxes and exempt therefrom such properties as it may think proper.

These taxes shall be levied and collected in the usual manner.

This section shall not have the effect of limiting the exemption from taxes granted by resolution of the council in virtue of article 943 of the Municipal Code.

Special tax
upon certain
carriers.

139. The town of Hochelaga shall have power to levy, apart from the taxes mentioned in the various sections of this act, a special tax upon persons and companies plying, within the limits of the town of Hochelaga, the trade of common carriers, either for the transporting of goods or travellers within the limits of the town of Hochelaga or from within the limits of the town to some other place.

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

The council of the town may however agree with all companies or persons, plying the said trade of common carrier, upon the payment of an annual sum for the privilege of so doing, and may use its discretion in granting such privilege.

Fiscal year.

140. The fiscal year for the town of Hochelaga shall run from the first of January to the first of January of the following year, and at the end of each year the books of account of the town shall be audited and balanced.

Investment of
sinking fund.

141. The council of the town of Hochelaga shall have power, by a resolution to that effect, to invest to the best advantage in federal, provincial or municipal debentures, the sinking fund already accumulated and at present deposited in La Banque du Peuple of Montreal, upon the two loans made by the village of Hochelaga by means of debentures issued under by-laws Nos. 11 and 19 of the village;

Such sinking fund may also be employed in redeeming the debentures of the village of Hochelaga.

IV. ANNEXATION.

112. The council of the town of Hochelaga shall have power to pass any by-law to annex to the city of Montreal, the whole or part of the territory of the town of Hochelaga; and after such annexation has been effected, the remainder of the non-annexed territory of the said town shall constitute a distinct municipality under the operation of this act, which shall continue to apply to that portion of the territory.

Power of council to annex town or part thereof to city of Montreal.

Such municipality shall have a name, and shall begin to exist, on the day fixed by a proclamation of the Lieutenant-Governor in council, published for that purpose at the request of twenty five municipal electors, and providing for the time and manner of holding the first election of councillors.

Name of remainder of town.

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

Provisions of by-law for that purpose.

114. The territory so annexed shall form one of the new 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 "Hochelaga ward," 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 qualification 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 Hochelaga, who shall forward such list to the city clerk of the said city of Montreal.

Territory annexed to form a ward of the city of Montreal.

Name and representation in council.

115. Every by-law, passed by the council of the town of Hochelaga to annex, upon the conditions therein mentioned, the whole or part of 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

Approval of annexation by-law.

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 municipal electors of the territory to be annexed, in the manner prescribed for the approval of any by-law authorizing the issue of debentures by the town of Hochelaga.

Election of aldermen to represent ward in city of Montreal.

146. 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 aldermen 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.

Effect of incorporation with city.

When these formalities shall have been complied with, the 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 statutes amending the same, and shall be subject to all duties and obligations provided for in the said charter and amendments; but none of the provisions of this act shall have the effect of modifying or amending the charter of the said city of Montreal, except in so far as what is mentioned in the chapter 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.

Certain sections of 40 Vic. c. 29 not to apply, and Municipal Code to apply to town.

147. Sections 1, 50, 70, 86, 87, 239, 380, 381, 382, 383 and 384 of the Town Corporations General Clauses Act, and of the acts amending the same, shall not apply to the town of Hochelaga and are specially excepted, and all the provisions of the Municipal Code of this Province, not inconsistent with this act, shall apply thereto and form part thereof.

CAP. LXXXIII.

An Act to further amend the act to incorporate the Town of Salaberry of Valleyfield.

[Assented, to 30th March, 1883.]

Preamble.

WHEREAS by the act 42-43 Vict., cap, 62, the boundaries of the Town of Salaberry of Valleyfield were