

CAP. LIII.

An Act to amend the Charter of the City of Montreal.

[Assented to 31st October, 1879.]

Preamble.

WHEREAS the Corporation of the City of Montreal have, by their petition, represented that it is expedient to make certain changes and modifications in the acts concerning the said Corporation, so as to give force and effect to certain powers which have already been conferred upon it, but which, from circumstances beyond its control, the said Corporation is unable to exercise, and also to provide more effective means for the government of the municipal affairs of the said city; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Shares of
Class A & B
not already
issued.

1. The shares or stock comprised in the two classes A and B, established in and by section 106 of the act of the legislature of this province, passed in the 37th year of Her Majesty's Reign, chap. 51, not already issued, shall be either permanent, in perpetuity and unredeemable, or payable at a fixed period, in the same manner as the debentures of class C; and section 107 of the said act is amended accordingly.

Issue of
bonds for
amount of
Consolidated
Fund not
issued

2. Instead of the registered stock provided for in and by sections 107, 108, 109, 110, and 111 of the said act, the said Council may issue *coupon* bonds for any amount (not already issued) of the "City of Montreal Consolidated Fund," established by virtue of the said section 106; which said bonds shall, as regards the sinking fund, the form of such bonds, the time at which they shall be made payable, and the manner of negotiating the same, be subject to the provisions of sections 112, 116 and 117 of the said act; provided however that the interest on the said bonds may be made payable semi-annually, from the date thereof

S. 118
repealed.

3. Section 118 of the said act is hereby repealed.

Further
preamble.

4. And whereas, in virtue of the power and authority conferred upon the Corporation of the City of Montreal by the act 27th and 28th Vict., chap. 60, and the different acts amending the same, the said corporation has, in several instances, proceeded to make improvements by the opening, widening or extending of streets, or by establishing public squares or parks in the said city;

and has regularly paid each and every the different amounts of indemnity fixed by the Commissioners of expropriation on the strength of the provisions of the said act, to the effect that the said Corporation would be reimbursed of the said amounts, in whole or in part, according to the resolution of the City Council ordering the said improvement, by means of an assessment to be levied on the properties benefitted; and whereas it has become necessary, in the interest of justice, to afford it the means of recovering from the parties benefitted, the large sums of money disbursed by the said Corporation, for the profit and advantage of the said parties benefitted, it is hereby declared and enacted that each and every the rolls of assessment prepared and completed since the passing of the act 29th and 30th Vict., chap. 56, whereby Commissioners were substituted for the assessors for assessing the cost of an improvement on the parties benefitted, and which have not been contested in any court, shall be held to have been, since their completion, and to be now valid and obligatory and binding in law to all intents and purposes whatsoever, unless such rolls of assessment be annulled by the Superior Court, upon actions which must be brought within a delay of thirty days after the coming into force of this act, to which delay, the right of demanding the annulment of such rolls of assessment, is limited; and section eight of this act shall apply to such actions, and it shall not be allowed to plead in such actions, that such rolls of assessment were not made at the proper time or at the same time as the valuation rolls:—and as certain rolls of assessment have been the subject matter of litigation before a court, or have, at the instance of some of the parties interested, been declared void by judgment of a court,—it is hereby declared that in such cases, and also in cases where any roll of assessment may be annulled under the provisions contained in this section, it shall be lawful for the said Corporation to cause a new roll of assessment to be made in the following manner to wit:

Certain
assessment
rolls, declared
valid and
binding.

proviso.

New
assessment
rolls in
certain
cases.

1. The said Corporation, by its Counsel, shall give notice, in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that it will, by and through its said Counsel present on the day and hour mentioned in the said notice, to the Superior Court, sitting in review, in the district of Montreal, a petition calling upon the said court to choose and nominate three competent and disinterested persons to act as Commissioners, for the purpose of assessing the cost of the improvement, in whole or in part, as the case may be

Appointment
of Commis-
sioners for
assessing
cost of
certain im-
provements.

on the properties benefitted, and fifteen days at least, shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition; the court shall appoint three commissioners as aforesaid, and fix the day on which they shall begin their operations;

Application's of § § 4, 5, 6, 8, 17, 18 of S. 176 37 V., c. 51. 2. Paragraphs 4, 5, 6, 8, 17 and 18 of section 176 of the act 37 Vict., chap. 51, shall apply to the said commissioners;

Formalities to be observed by Commissioners.— Their remuneration. 3. The said commissioners, before proceeding, shall be sworn before the Prothonotary of the said Superior Court, according to schedule Y of the said last mentioned act; and the remuneration of the commissioners shall be the same as fixed in paragraph 7 of section 176 of the Act 37 Vict., chap. 51: such remuneration and all other costs connected with making such new rolls of assessment and all judicial costs incurred, shall not be included in the amount to be levied by such new rolls of assessment;

Their proceedings. 4. It shall be the duty of the said commissioners to commence their proceedings on the day fixed by the judgment appointing them, and to assess and apportion the cost of the improvement, in whole or in part, as the case may be, according to benefit and in such manner as to them may appear most reasonable and just, upon all and every the pieces or parcels of land or real estate which they may determine to have been benefitted;

§ § 2, 3, 4, 5 of S. 185 and S. 186 of said act, to apply 5. Paragraphs 2, 3, 4 and 5 of section 185 and section 186 of the said last cited act, shall apply to the proceedings of the said commissioners, as well with respect to the determination of the limits as to the apportionment of the assessment

Mode of proceedings for apportionment. 5. The mode of proceeding to fix the apportionment of the cost of an improvement in the said city as prescribed in the preceding section, shall be followed in any case where the said corporation has deposited in court the amount of the indemnity, but has not yet caused the apportionment of the cost of the said improvement to be made and prepared.

If a new assessment roll is annulled. 6. In case any new roll of assessment made under this act should be annulled, the said corporation may cause another to be made under the provisions of this act.

Id. for improvement of certain streets. 7. Whenever a special roll of assessment for street or park improvements in the said city, shall be or may already have been annulled and set aside, the payments made under the authority of the same shall not be thereby invalidated; but such payments shall go to the discharge

of the respective amounts to be fixed by the new assessment roll, subject on the part of the rate-payer, to making good any deficiency, or to receiving back any surplus according to the difference that may eventually exist between the old and the new roll of assessment; and the present provision shall apply as well to special assessment rolls heretofore made and completed as to those which may hereafter be made and completed: This section however shall not affect judgments rendered nor pending causes; and it shall also be subject to the obligation on the part of the said city, to commence proceedings for the making of the new rolls of assessment, within six months from the passing of this act, for rolls of assessment then annulled, and within six months from the annulment for rolls of assessment which may be hereafter annulled.

Judgment rendered and pending cases, not affected.

8. No objection founded upon form or upon the omission of any formality even imperative, shall be allowed to prevail in any action, suit or proceeding respecting municipal matters, unless substantial injustice would be done by rejecting such objection.

Objections to the form, not allowed.

9. Any person who has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, shall not thereafter avail himself of the insufficiency or informality of such notice or of the omission of its publication or service.

Defect in notice, not to invalidate in certain cases.

10. Section 3 of the act 41 Vict., chap. 27 is hereby repealed and the following substituted for section 99 of the act 37 Vict., chap. 51.

S. 3 of 41 Vict., c. 27, repealed. S. 99 of 37 Vict., c. 51, replaced. When legal interest is exigible.

“99. Legal interest is hereby declared to have accrued and become exigible, from the passing of the said act 37 Vict., chap. 51, on the annual taxes and assessments which were due and payable to the said city, at the time of the passing of the said last cited act, as well as on the annual taxes and assessments that have since then become due and payable, and the same rate of interest shall accrue on all taxes and assessments, whether annual or special, which will henceforth become due and payable, said interest to run from the expiration of the delay within which such annual or special taxes and assessments shall respectively be due and payable: it shall not be lawful for the said Council or any of its officers to remit any part of the interest so accrued.”

Remission of interest, not allowed.

Prescription
of arrears of
taxes.

11. All arrears of municipal taxes and assessments imposed in the city of Montreal, shall be prescribed by three years. This provision is subject to the application of articles 2267 and 2270 of the civil code.

Annulment
of by-laws
&c., for
illegality.

12. Any municipal elector, in his own name, may, by a petition presented to the Superior Court sitting in the district of Montreal, demand and obtain on the ground of illegality, the annulment of any by-law, resolution, assessment roll or apportionment, with costs against the corporation; but the right of demanding such annulment is prescribed by three months from the date of the coming into force of such by-law, resolution, assessment roll or apportionment; and after that delay, every such by-law, resolution, assessment roll or apportionment shall be considered valid and binding for all legal purposes whatsoever, provided that it be within the competence of the said corporation.

S 31 of 37
V c. 51,
amended.

13. Section 31 of the said act 37 Vict., chap. 51, is hereby amended by striking out therefrom the last proviso, and substituting the following in lieu thereof: "provided also that the said list shall be finally revised previous to the thirty days immediately preceding that fixed for the municipal election"; and by adding the following words, at the end of said section: "The voting sub-divisions, once established, shall not be altered and shall serve for every subsequent municipal election."

14. Schedule F appended to the said act 37 Vict., chap. 51, is hereby amended so as to read as follows:

SCHEDULE F.

OATH OF VOTERS.

(See section 38 of said act.)

Oath of
voters.

You swear (or solemnly affirm) that you are the person whose name is entered on the list of voters now shown to you as (*name, residence and occupation of voter as entered on the list*); that you are of the full age of twenty-one years, that you have not already voted at this election, and that you have not received any thing, nor has any thing been promised to you, either directly or indirectly, in order to induce you to vote at this election: So help you God.

Person voting
or an elector.

15. If a person representing himself to be an elector whose name appears on the list of voters, asks to vote

after another person has voted as such elector, the applicant, upon taking the above oath, and otherwise establishing his identity to the satisfaction of the returning officer, shall be entitled to vote in the same manner as any other elector; and a note to that effect shall be made in the poll book.

16. The third section of the Act 39, Vict., chap. 52, is amended by adding after the words: "the *bonâ fide* rent of such property," the following words: "or the interest of the actual or real value of such property, if they consider that such rent does not represent or is disproportionate to the value of such property," and it shall be the duty of the valuers or assessors, in case several tenants shall occupy a property, to establish the proportion which each such tenant or sub-tenant shall have to pay, on the total amount of the tax or assessment which shall be imposed upon such property.

17. Section 171 of said act 37 Vict., chap. 51, is amended by adding thereto the following paragraph:

"And also of the right of abandoning the opening of any new street shown on the said plan, or of modifying and altering the new lines given to any street by the said plan, at the request of any of the parties interested owning one third in value of the portion of the street which it is proposed to discontinue, or of the street the new lines of which it is sought to modify and alter; such value to be established by the assessors of the said city, and upon the condition that the petitioners shall pay to the said corporation, the cost and expenses of such suppression or modification; but no such suppression or modification shall take place unless it be resolved upon by a majority of a meeting composed of two thirds of the said Council; and upon the petition of the said Corporation, any of the judges of the Superior Court may order that the said plan be modified accordingly."

18. Every immoveable property situated outside of the city limits and now possessed by the city or which it may hereafter acquire for public purposes, shall henceforth be valued at the same rate by the valuers of the neighbouring municipality in which such property is situate, as the adjoining lands and property are valued for municipal purposes therein.

19. It shall be lawful for the Council of the said city to grant, out of the municipal funds, a gratuity of two

Gratuity to
widow of F.
W. L. Pento .

thousand dollars to the widow and children of the late Frederick W. L. Penton, in his lifetime chief of police of the said city.

Powers of
market clerks
in certain
cases.

20. The market clerks in the said city, shall have full power and authority to enter into any yard or lane, for the purpose of levying or collecting therein market-dues or tolls on cattle, grain or provisions brought to the said city for sale.

Expropria-
tion every
five years.

21. An expropriation shall take place every five years, the first whereof shall be held in the course of the year one thousand eight hundred and eighty-five, of the immoveable property or portions thereof belonging to proprietors who shall have erected permanent buildings upon the new line laid down on the plan made in virtue of section 169 of the said act 37 Vict., chap. 51, in the streets or public squares, subject to be opened or widened according to said plan; provided that such proprietors shall, before building, have obtained from the City Surveyor, a sketch of the new line, and that they shall, moreover, produce, after such building shall have been erected, a certificate from the said City Surveyor to the effect that they have complied with the said new line; provided also that the whole cost of all such improvements shall be borne and paid by the proprietors on each side of the street in which the improvement is made, by means of a special assessment to be levied as hereinafter provided.

Proviso.

Mode of ex-
propriation.

22. The mode of procedure to be followed for the said expropriation and for the assessment and apportionment of the cost thereof, upon the parties interested, shall be the same as that prescribed for ordinary expropriations in the said act 37 Vict., chap. 51, save and except the changes and modifications hereinafter provided.

Duties of
commission-
ers after
ratification of
their report
by S. C.

23. So soon as the report of the commissioners appointed to fix and determine the price or compensation for the pieces of land or real estate to be expropriated, shall have been confirmed and ratified by the Superior Court, or by one of the judges thereof, as the case may be, in accordance with the said act, it shall be the duty of the said commissioners to assess and apportion, in such manner as to them may appear most reasonable and just, the total cost of the improvement upon all and every the pieces of land or real estate situated in, or facing on both sides of the street or public square in which the improvement is made; and the said commissioners shall, for that purpose, base their valuation upon the actual value of the said pieces of land or real estate, irrespective of buildings

thereon erected, taking into account the size of the said pieces of land or real estate respectively, and the benefit to be derived by them from the said improvement.

24. The provisions contained in sub-sections 2, 3, 4 and 5 of section 185 and in section 186 of the last cited act, and in section 8 of this act, shall apply to the said commissioners and to all and every the special rolls of assessment to be made by them as aforesaid.

§ § 2, 3, 4, 5 of S. 185 and 186 of 37 V. c. 51 and s. 8 of this act, to apply.

25. Within twenty days after each assessment roll shall be completed as aforesaid, the Corporation of the said city shall make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said Corporation a written acknowledgment thereof, a deposit and consignment of the price or indemnity settled and determined in and by the said report of appraisement for all and every the pieces of land or real estate expropriated, after deducting therefrom the amount of assessment charged to each of the proprietors expropriated in the said assessment roll, which the said Corporation is hereby authorized to retain in settlement of the respective contribution of the said proprietors towards the cost of the improvement; and such deposit shall have the same effect as provided in section 178 of the last cited act.

Deposit in hands of prothonotary of compensation for immovables expropriated.

26. The right of veto conferred upon the parties interested in the improvement by sub-sections 9, 10 and 11 of section 176 of the said act, shall not apply to expropriations made in virtue of the foregoing sections.

Right of veto by parties interested.

27. Section 94 of the said act 37 Vict., chap. 51, is hereby repealed and the following substituted in its stead :

S. 94 of 37 V. c. 51, repealed and replaced.

“ 94. Whenever two years of assessments on any real property, in the said city, shall have become due and payable at the time of the passing of the present act, or whenever any assessments, annual or special, shall have become due and payable more than two years before the passing of this act, upon the said real property, such real property, or such part thereof as may suffice, if susceptible of being divided, may be sold for the non-payment and recovery of the arrears of assessment and interest due on such real property; and the sheriff of the district of Montreal, upon the issue of a warrant or order to that effect by the Superior Court or the Recorder's Court, is hereby authorized to sell and alienate such real property, in the usual manner and form, after notice by him given to that effect during four months in

Sale of property for arrears of taxes.

Formalities for sale.

the "Quebec Official Gazette," to meet the payment of such assessment and interest; and the proceeds of the said sale of the said real property so sold as aforesaid shall, in all cases, be returned by the said sheriff into the Superior Court sitting in the district of Montreal, to be by the said court adjudged upon, distributed and ordered to be paid according to law; provided however, that the balance or amount of moneys to be so levied as aforesaid, by the said sheriff and remaining in the hands of the said sheriff, after the judgment shall have been rendered and distribution ordered by the said court, shall, within fifteen days thereafter, be paid over by the said sheriff to the Treasurer of the province, to remain deposited in his hands at an interest of six per cent per annum, until demanded and claimed by the party having the right to demand and claim the same;

Proceeds of
sale.

Notice by
sheriff.

2. The notice to be given by the sheriff as aforesaid, shall be in the form of the schedule hereunto annexed; it shall comprise as many real properties, at one and the same time, as the sheriff shall have been required to seize and sell for the payment of the said assessments and interest, and such notice shall moreover, be posted on each of the real properties therein specified, and also in the portico of the City Hall of the said city, one month at least, before the day fixed for the sale of the said real properties;

Art. 1022 &
1025 M. C. to
apply.

3. The provisions contained in articles 1022 and 1025 of the municipal code of the province of Quebec, shall have force and effect within the limits of the city of Montreal."

SCHEDULE.

Fieri-Facias.

Public notice is hereby given that the undermentioned immoveable properties have been seized and shall be sold at the time and place hereinafter specified; All persons who have to exercise as regards the same, any claims which the registrar is not held to mention in his certificate by virtue of article 700 of the Code of Civil Procedure, are hereby required to make known the same according to law. Every opposition to the sale, except in case of *venditioni exponas*, shall have to be deposited in the office of the undersigned, before the fifteen days immediately preceding the day of the sale; oppositions *afin de conserver* may be deposited at any time within six days after the return of the writ.

Number.	Plaintiff.	Defendant.	Lot or Cadastral No.	Street No.	Street.	Ward.	Proprietor as per assessment roll.	Amount of assessment due.	Interest.	Total amount due.
00	The city of Montreal	A. B.	00	00	"	"	"	00	00	00
00	"	C. D.	00	00	"	"	"	00	00	00
00	"	E. F.	00	00	"	"	"	00	00	00
00	"	G. H.	00	00	"	"	"	00	00	00
00	"	J. K.	00	00	"	"	"	00	00	00

To be sold in my office in the city of Montreal, on the day of _____ next, at _____ o'clock of the _____ noon: the said writ returnable on the day of _____ next.
 Montreal , 18 .

A. B.
 Sheriff.

28. The said act is amended by the addition of the following sub-section after sub-section 9 of section 123 : 37 V. c. 51 § 9, s. 123, amended.
 "9a. To punish any person pretending or professing to tell fortunes, or using any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of Her Majesty's subjects."

29. The said act is hereby amended by the insertion of the following paragraph at the end of sub-section 3 of section 123 : Posting of bills and placards.

"To regulate and license the posting of bills and placards: to prevent the posting up, or the making or writing of indecent or offensive placards, paintings, drawings words or inscriptions upon houses, walls or fences, or other public or private property, or on any street or public place in the said city, or in any store or any place visible from such street or public place ;
 To regulate awnings, signs, signboards, show-bills or show-boards, and for preventing the pulling down or defacing of the same, or the pulling down or defacing of printed or written notices lawfully posted up, or the defacing of private or other property by printed or other notices posted thereon ; Awnings, signs &c.

Public
nuisances.

To authorize the said Council to declare all awnings, signs, sign-boards, show-bills or show-boards, or any object serving as such, and constructed of improper dimensions or improperly suspended or hung, to be public nuisances, and to compel the owners thereof to abate the same;—and to prohibit the distribution of printed hand bills or circulars at church doors on Sundays.”

§ 13 of s. 123
of 37 V. c. 51,
amended.

Health
officers.

30. The said act is hereby amended by inserting after the word: “inhabitants,” at the end of sub-section 13 of section 123, the following paragraph:

“To authorize the visiting and examining by such health officers of any house or lot, or of any premises whatsoever for the purpose of enforcing the observance of all by-laws, rules and regulations concerning public health and cleanliness in the said city, and to punish all persons obstructing, resisting, hindering or opposing or aiding and abetting in obstructing, resisting, hindering or opposing any such health officers in the performance of their duty.”

§ 16 of 37 V.
c. 5 s. 123,
amended.

31. The said act is hereby amended by inserting after the word: “prohibit,” in the first line of subsection 16 of section 123, the following words: “if deemed necessary;” and by adding after the word: “on,” in the fifth line thereof, the following words: “or of bone-boiling or bone-burning establishments, or of any steam-engine, steam-boiler, oil or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, slaughter-house, butchery, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal-oil refinery or ware-house, roofing composition factory, fire-works factory, friction-matches factory, chemical works, alcohol rectifying establishments or other factories or establishments, wherein work, operations or processes is or are carried on, liable or having a tendency to affect or endanger the public health or safety, or to endanger property;”—and by striking out the words: “one year,” in the 20th line thereof, and substituting the following words: “six months,” in lieu thereof; and by adding after the word: “holder,” in the last line thereof, the following paragraph: “but the said Council shall have power to regulate, license and permit such erection, use or working, subject to such restrictions, limitations and conditions, and to such inspection and supervision as it may deem necessary, or to license or allow the keeping, selling or manufacturing of crude or refined petroleum, earth or rock-oil, benzole, benzine, naphtha, kerosene, coal-oil or burning fluid.”

§ 19 of 37 V.
c. 151 s. 123,
amended.

32. Sub-section 19 of section 123 of the said act is hereby repealed and the following substituted in lieu thereof:

“ 19. To compel the owners or occupants of any tallow-chandler's shop, soap factory, candle factory, blood or bone or soap-boiling establishment, tallow-melting or bone-burning establishment, tannery, slaughter-house, butchery, gas-works, blue, glue, or varnish factory, oil or oil-cake factory, india rubber or oil-cloth factory, tobacco factory, dyeing establishment, petroleum or coal-oil refinery, or ware-house, roofing composition factory, fire-works factory, friction-matches factory, chemical works, alcoholic rectifying establishment or other factories or establishments wherein work, operations or processes is or are carried on, liable or having a tendency to affect or endanger the public health or to affect public safety or property; the owners or occupants of any stable, outhouse, yard or cellar, lot of ground or other premises and private alleys or lanes connected therewith, or of any house-drain, sink, water-closet or privy, or of any bakery, dairy, laundry, shop or establishment wherein food or beverage is prepared for public use or warehoused or exposed for sale, or the agent of such owner if absent, or his assignee or any other representative of his estate, to cleanse and purify the same, from time to time, and as often as may be necessary for the health, comfort, security and convenience of the inhabitants of the said city;—to prohibit any person from bringing into the said city, any person suffering from any contagious or infectious disorder, or the dead body of any person who may have died from such contagious or infectious disorder;—to prevent the cartage and conveyance in any vehicle, not authorized by the said Board, of any person so suffering or who may have so died in the said city;—to prohibit any person from bringing, depositing or leaving within the said city, any dead body or carcass, or offal, filth, dirt, or other offensive matter or substance whatsoever, and to compel the removal of any such matter or substance, or of any substance being unwholesome, by the owner or occupant of the premises on which the same may be, and in default of his so doing, to authorize the removal or destruction thereof by any officer of the said Corporation, and to recover the cost of such removal or destruction from the party refusing or neglecting so to do; ”

Manufactures
of candles,
soap, &c.

“ 19 a. To compel all persons desirous of building dwellings, in the said city, to conform to all such rules and regulations as the said Council or Board of Health may prescribe for the health, security and comfort of the occupants thereof.” Dwellings.

33. Sub-section 34 of section 123 of the said act, is § 34 of 37 V.
c. 51, s. 123,
amended. hereby amended by adding after the word : “ City,” in the last line thereof, the following paragraph :

“Or to prohibit them, if deemed advisable, within the said city limits; but not before suitable public slaughter-houses have been provided by the said city.”

Nuisances
affecting
public health.

31. For the purposes of the said act 37 Vict., chap. 51, and of the acts amending the same, and of any by-law thereunder made, for the abatement of nuisances affecting public health or safety in the said city, and the punishment of persons committing, or causing or permitting the same to be committed or to exist;

1. Any premises or lot of ground in such a state as to be a nuisance or injurious to health;

2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain or ashpit so foul or in such a state as to be a nuisance or injurious to health;

3. Any under-ground drain built on any premises and connected with any common sewer, constructed of wood or other defective materials, or of improper size, or having no proper direction or fall or attached to any factory carrying on any manufacture or occupation offensive to the public health, or affecting public comfort;—any drain which shall be used to carry off into such sewer, any material other than the waste water of houses and premises, and the contents of water-closets built in such houses, or which shall carry off any material injurious to public health or public comfort, or be liable to form a deposit in the said sewer and having a tendency to impede or fill up the same;—and any drain which shall be closed without previous inspection by an officer of the said Corporation;

4. Any animal so kept as to be a nuisance or injurious to health;

5. Any accumulation or deposit which is a nuisance or injurious to health;

6. Any house or part of a house or dependency thereof so built, as to be dangerous to the lives of the inmates thereof, or not built in accordance with the provisions of the by-law or by-laws in that behalf made, and any house or part of a house so overcrowded, as to be dangerous or injurious to the health of the inmates;

7. Any factory, work-shop, or work-place, any bakery, butcher's shop, dairy or laundry, any shop wherein fruits, vegetables or provisions are exposed for sale, any place or factory for the manufacture of food, provisions or beverages for public use, which is not kept in a cleanly state, or not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein or which is a nuisance or injurious to health, or so overcrowded, while work is carried on, as to be

dangerous or injurious to the health of those employed therein ;

8. Any fire place or furnace which does not, as far as practicable, consume the smoke arising from the fuel burnt therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house or gas-works, or in any manufacturing or trade process whatsoever ;

9. Any chimney (not being the chimney of a private dwelling house) sending forth smoke, in such quantity as to be a nuisance ;

—shall be deemed to be nuisances hurtful to public health and safety and liable to be dealt with summarily, in the manner to be provided by such by-law : and any person who shall commit any such nuisance, or cause, or permit the same to be committed, or shall allow the same to exist or shall neglect or refuse to remove or abate the same, shall be liable, under the said by-law, to the penalties imposed by section 124 of the said act as hereinafter amended, the said Council to have full power, in the case of a continuance of the offence, to impose the said penalties for each and every day that the offence shall continue.

35. Section 124 of the said act is hereby amended by inserting after the word : “ Act, ” in the last line thereof, the following words : S. 124 of 27 V. c. 51, amended.

“ Provided always that, on payment of the said fine and costs, in the last of the foregoing methods of punishment, the said imprisonment shall cease. ”

36. Sub-section 5 of section 129 of the said act is hereby repealed, and the following substituted therefor : § 5 of S. 129 of 27 V. c. 51, amended.

“ Any action for the recovery of wages of servants, journeymen or laborers, the amount of which shall not exceed twenty five dollars. ”

37. Section 139 of the said act is hereby repealed, and the following substituted in lieu thereof : S. 139 of 27 V. c. 51, repealed.

“ 139. In all cases of complaint for an offence against the provisions of any by-law of the Council of the said city, where the person contravening such provisions has not been apprehended on view of the commission of the offence, such person so offending against such provisions, may be summoned by a writ to appear before the said court, and the party so summoned shall answer the said complaint, to be set forth in the said writ in a succinct and explicit manner which shall contain a summary statement of the cause of complaint or demand ; and the said writ shall be served upon the defendant by any Proceedings against persons infringing by-laws.

Proviso.

bailiff or constable, according to law; provided always that, in all cases of offences for the commission whereof a fine or imprisonment is imposed by any such by-law, it shall be lawful to proceed against the defendant, either by writ as aforesaid or by warrant of apprehension issued by the said Recorder, upon affidavit taken before him, if the same shall be deemed more advisable for the attainment of justice; and all persons indebted to the said Corporation for any sum of money due for any of the causes aforesaid, may be likewise summoned by writ to answer the *demande*."

S. 141 of 27
V. c. 51,
repealed.
Proceedings
in cases of
default to
appear in
civil cases.

38. Section 141 of the said act is repealed and the following substituted in lieu thereof:

"141. If any person summoned in any such civil action to appear before the said court for any debt or claim as aforesaid, does not appear, proceedings by default may be taken against him, and upon proof made, the court shall render judgment accordingly with costs; if he shall appear, he shall plead to such debt or claim, and his plea shall be entered or filed, and proof shall be adduced by the parties, and judgment finally rendered in the case, in accordance with law and justice, with costs; if he shall confess judgment, judgment shall be entered with costs;

Delay may be
granted.

2. The said 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;

32-33 V. c.
31, laws to
apply to
Recorder's
Court.

3. In all prosecutions instituted before the said court, the provisions of the Act of the Parliament of Canada, 32 and 33 Vict., chap. 31, "respecting the duties of justices of the peace out of sessions, in relation to summary convictions and orders," shall apply to the said Recorder and the said Recorder's Court as to the procedure and modes of proceeding on such prosecutions to final conviction or to the final judgment or order and as to the execution and carrying out of such conviction, judgment or order, and generally as to all rules imposed upon such justices with such objects, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation to the same; the several forms therein contained may be varied in so far as it may be necessary to render them applicable to the said court."

S. 143 of 37
V. c. 51,
repealed.
Coercive im-
prisonment.

39. Section 143 of the said act is hereby repealed, and the following substituted in lieu thereof:

"143. The said court shall have the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure."

40. Section 148 of the said act is hereby amended by the addition of the following words at the end thereof :
 " But returns of service of any writ issued out of the said court, may likewise be made by any bailiff of the Superior Court for the district of Montreal, and in all cases so instituted in the Recorder's Court, any such bailiff shall have *ex officio* full power and authority to fulfill the duties of bailiff of and for the said Recorder's Court, in the same manner as if specially appointed by the said Council for that purpose. "

S. 148, *idem*,
amended.

41. Section 157 of the said act is hereby repealed, and the following substituted therefor :

S. 157 *idem*,
repealed.

" 157. The said Recorder's Court may be held daily, and as many times as may be deemed necessary each day, without previous notice, and it may fix any time for the hearing and disposing of any offences punishable upon summary conviction and coming within its jurisdiction, and the police of the said city or any peace officer or constable may bring before the said court, any person accused of any such offences, to be then and there dealt with according to law."

Holding of
Recorder's
Court.

42. After judgment ordering the eviction of the tenant, in virtue of sub-section 3 of section 130 of the said act 37 Vict., chap. 51, the party suing may, three days after service of such judgment on the said tenant, obtain from the said Recorder's Court, a warrant or writ of possession, which shall be put into execution by a bailiff of the Superior Court, or of the said Recorder's Court, or by a constable or officer, or member of the municipal police force of the said city, each of whom is hereby vested with all necessary authority to that effect.

Writ of
possession in
certain cases.

43. Section 197 of the said act is hereby amended by adding the following words at the end thereof :

S. 197 of 37
V. c. 51,
amended.

" And the said Council shall have full power and authority to pass such by-laws as may be necessary for the management and supervision of the said park, and generally for the government, control and regulation thereof, for the carrying out of such regulations as it may deem advisable to establish in connection therewith ; and by any such by-laws to impose the fines, penalties or imprisonment set forth in the said section 124 as amended by this act, and in the manner therein directed for any infraction of the same. "

By-laws
respecting
parks.

The said Council shall have power and authority to pass similar by-laws with respect to the St. Helen's island park and to that part of Logan's farm park within the limits of the city of Montreal."

S. 240 of said act, amended. **44.** Section 240 of the said act is hereby amended by adding the following sub-section thereto, which shall be the ninth thereof :

Interpretation of certain words. **9.** "The word : "rate payer," shall mean any person liable to assessment, special or otherwise, either as owner or proprietor, tenant or occupant of real estate in the said city and generally any person liable to the payment of assessments, taxes, duties, dues or rates of any nature whatsoever."

§ 5 of s. 1, 39 V. c. 5, amended. **45.** Paragraph 5 of section 1 of the act 39 Vict., chap. 52, is amended by adding after the word : "business," in the second line thereof the words : "and taking risks."

Act in force. **46.** This act shall come into force on the day of its sanction.

C A P . L I V .

An act to amend the act passed during the present session intituled : "An act to amend the charter of the city of Montreal."

[Assented to 31st October, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

S. 13 of act of this session c. 53, 41-42 V., amended. **1.** Section 13 of the act passed during the present session intituled : "An act to amend the charter of the city of Montreal is amended by striking out the word : "thirty," and replacing it by the word : "ten."

Act in force. **2.** This act shall come into force on the day of its sanction.

C A P . L V .

An act to amend the act incorporating the city of Three Rivers, 38 Vict., Chap. 76.

[Assented to 31st October, 1879.]

Preamble. **W**HEREAS the petition of the Council of the city of Three Rivers has shown that it is advisable to amend the act of the Legislature of Quebec, passed in the thirty eighth year of Her Majesty's Reign, Chap. 76, and intituled : "An act to amend and consolidate the act of incorporation of the city of Three Rivers and the various acts which amend the same," as well as the acts