

on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said council under this act; (on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate), and moreover the costs incurred to make such sale, and in addition five per centum over and above the interest as well on the amount of purchase money and costs as on the price of the said outlay; and provided also, that if after such sale of property, any surplus shall remain over and above the sum due to the said <sup>Surplus.</sup> council, for assessment and costs, such surplus shall be deposited by the said secretary-treasurer with the funds of the said town, to be subsequently handed over on demand, and without interest, to the person to whom the said property so sold belonged.

**32.** All municipal taxes and other municipal dues, shall <sup>Interest on</sup> bear interest at six per cent per annum, from the day of <sup>taxes.</sup> their being due; and it shall not be necessary that a special demand be made to that effect.

**33.** The said town council in the exercise of its powers and attributions, and the members and officers of the said council in the discharge of their respective duties, may use <sup>English or</sup> one or the other of the French and English languages, <sup>French language may be</sup> unless otherwise provided by any of the provisions of this act. <sup>used.</sup>

**34.** The foregoing provisions shall be held to form one <sup>Interpretation</sup> and the same act with the act of this province, thirty-six Victoria, chapter fifty-three, and any provision in the said act inconsistent with this act is hereby repealed.

**35.** This act shall come into force on the same being <sup>Coming into</sup> sanctioned. <sup>force of this</sup> <sup>act.</sup>

## C A P . L X X I X .

An Act to incorporate the City of Hull.

[Assented to 23rd February, 1875.]

**W**HEREAS the rapid growth of that part of the Town-<sup>Preamble.</sup> ship of Hull, known under the name of the Village of Hull, require that it be now incorporated under the name of the City of Hull; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Incorporation  
of the city of  
Hull.

Name of the  
corporation  
and its powers.

1. The inhabitants of that part of the township of Hull, known under the name of the village of Hull, hereinafter described and determined, and their successors, shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "the Corporation of the City of Hull;" and by the same name they and their successors shall have perpetual succession, and shall have power to sue and to be sued, implead and to be impleaded, answer and to 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, holding and departing with any property, real or movable, for the use of the said city, of becoming parties to any contracts or agreements in the management of the affairs of the said city, 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  
and limits of  
the city.

2. The boundaries and limits of the said city of Hull shall be as follows, that is to say: to comprise lots one to seven inclusive in the third and fourth ranges of the township of Hull, and part of lots one, two, three and four in the fifth range of Hull, and all that part of the township of Templeton, lying to the west of the river Gatineau, all of which may be better known and described as follows:

Commencing where the side line between lots seven and eight in the third range of the township of Hull meets the river Ottawa, thence northerly along the said side line sixty-seven chains and fifty-four links, more or less, to the line between the third and fourth ranges, thence northerly along the said line between lots seven and eight in the fourth range of Hull, eighty-two chains, more or less, to the line between the fourth and fifth ranges, thence easterly along the line between the said fourth and fifth ranges ninety-seven chains and forty-four links, more or less, to the centre of the Gatineau road, thence northerly along the centre of the Gatineau road one chain and seventy-one links, more or less, to a point opposite the centre of the Leamy road, twenty-nine chains and fifty links, and to continue in the same straight line a further distance of forty-two chains more or less to the river Gatineau, and thence along the westerly margin of the Gatineau river, with the stream, to its confluence with the river Ottawa at the point A on the plan of the said city annexed hereto, thence on the bearing south forty-five degrees east astronomically to the boundary between the provinces of Ontario and Quebec, and thence westerly in the river Ottawa along the last mentioned boun-

dary, against the stream, to a point in the same where it would be intersected by the side line between lots seven and eight in the third range of the said township of Hull, produced to meet the said boundary, and thence along the said last mentioned side line as produced to the place of beginning.

**3.** It shall be lawful to any owner or proprietor of land immediately adjoining and contiguous to the limits of the said city of Hull, after notice given by such owners or proprietors to the municipal authorities of the said city, and with the consent of the said authorities manifested by a by-law to be passed to that effect by the said municipal authorities in the ordinary manner, to demand and obtain that the said property be included within the limits of the said city of Hull, and thereafter so successively for all other proprietors of property or properties so adjoining the property or properties so successively included into the limits of the said city as aforesaid; and upon such inclusion being declared by a by-law as aforesaid such proprietors, whose properties shall be so included, shall have and possess all the municipal privileges, and shall be subject to all the obligations, duties and charges imposed on the persons and on the properties previously included in the limits of the said city.

Adjacent lands may make part of the city.

Effect of the annexation.

**4.** The said city shall be divided into five wards, which shall be respectively designated and known, under the names of "ward first, ward second, ward third, ward fourth and ward fifth," and shall be bounded as follows, to wit:

Division of the city into wards.

No. 1st. Commencing where the side line between lots seven and eight, in the third range of the township of Hull, next the Ottawa river, thence northerly along the said side line sixty-seven chains and forty-four links, more or less, to the line between the third and fourth ranges, thence northerly along the side line between lots seven and eight in the fourth range, eighty-two chains, more or less, to the line between the fourth and fifth ranges, thence easterly along the line between the fourth and fifth ranges, ninety-seven chains and forty-four links, more or less, to the centre of the Gatineau road. Thence northerly along the centre of the Gatineau road, one chain and seventy-five links, more or less, to a point opposite the centre of the Leamy road, thence easterly along the centre of the Leamy road, to the side line between the lots three and four, thence southerly along the side line between lots three and four, to the line between the fourth and fifth ranges of said township, and thence southerly along the side line between lots three and four in the fourth range to the centre of Walker street, thence easterly along the centre of Walker street, three

Ward 1st.

chains and eighty links, more or less, to the centre of the Brewery channel or mill creek, and thence along the main channel of the said mill creek, against the stream, to the Ottawa river, and thence due south astronomically to the boundary between the province of Ontario and Quebec, and thence along the last mentioned boundary to a point in the same where it would be intersected by the line between lots seven and eight in the third range of the said township of Hull, produced to meet the said boundary, and thence along the said last mentioned side line produced to the place of beginning.

Ward 2nd.

No. 2nd. Commencing in the centre of the Leamy road, where intersected by the side line between lots three and four in the fifth range of the township of Hull; thence easterly along the centre of Leamy road, fourteen chains and fifty links, and thence in the same straight line a further distance of twenty-six chains and sixty-five links, more or less, to the line between lots two and three, in the same fifth range; thence southerly along the side line between lots two and three, thirty-six chains and twenty links, more or less, to the line between the fourth and fifth range; and thence southerly along the said line between lots two and three in the fourth range to Chaudière street, and thence along the centre of Chaudière street to the centre of the common, where a boundary bolt has been planted; thence easterly at right angles with Chaudière street to a point opposite the centre of Bridge street, and thence southerly along the centre of Bridge street and the Suspension bridge to the boundary between the province of Ontario and Quebec; and thence along the boundary between the province of Ontario and Quebec, against the stream, to its intersection with the easterly boundary of 1st. ward, and thence along the said easterly boundary of 1st. ward to the place of beginning.

Ward 3rd.

No. 3rd. Commencing at the north-east angle of ward number two, thence easterly along the prolongation of the line passing through the centre of the Leamy road, a distance of seventy chains, and thirty links, more or less, to the Gatineau river, thence along the westerly margin of the Gatineau river, with the stream, to the side line between lots one and two, in the fifth range of the township of Hull, thence southerly along the side line between lots one and two, in the fifth and fourth ranges of the said township to its intersection with the centre of Lake street, and thence along the centre of Lake street to Main street, thence across Main street to the north-west angle of lot number one in block number thirty-nine (39), and thence along the west side of said lot number one to its south-west angle, thence across Slide street to the north-west angle of lot number one in block number forty (40),

and thence along the westerly side of said last mentioned lot number one to the Slide channel, and thence southerly on a line parallel to a line passing through the centre of Lake street, to the boundary between the province of Ontario and Quebec, and thence westerly along the said last mentioned boundary to the south-east angle of 2nd. ward, and thence along the easterly boundary of said 2nd. ward to the place of beginning.

No. 4th. Commencing where the line passing through Ward 4th. the centre of Lake street intersects a line passing through the centre of Division street, thence easterly along the boundary between the province of Ontario and Quebec, thence westerly along the last mentioned boundary, against the stream of the Ottawa, to the south-east angle of ward number third, and thence northerly along the eastern boundary of ward number third, to the place of beginning.

No. 5th. Commencing where the said line between lots Ward 5th. one and two in the fifth range of the township of Hull, intersected the river Gatineau, thence along the westerly margin of the Gatineau river, with the stream of its confluence with the Ottawa, at the point A on the plan herewith, thence on the bearing south forty-five degrees east astronomically, to the boundary between the province of Ontario and Quebec, thence along the last mentioned boundary, against the stream of the Ottawa river, to the north-east angle of 4th ward, thence along northern outline of said 4th ward, to its north-west angle in lake Florea, and thence northerly along the eastern boundary of 3rd ward to the place of beginning.

5. There shall be elected from time to time, in the manner hereinafter mentioned, two fit and proper persons in each ward who shall be and be called the aldermen of the said city of Hull, and such aldermen for the time being shall form the council of the said city, and shall be designated as such, and shall represent, for all purposes whatsoever, the corporation of the city of Hull, which aldermen shall elect from amongst their number, a fit and proper person, who shall read and write, to be mayor, the said mayor and aldermen shall be *ex-officio* justices of the peace for the said city, as long as they shall remain in office.

Election of the mayor and aldermen.

Literary qualification of the mayor.

They shall be *ex-officio* justices of the peace.

6. No person shall be capable of being elected an alderman of the said city, unless he shall have been a resident of the said city for one year before such election, nor unless he be possessed to his own use, in his own name, or in the name of his wife, real estate within the city for which he is proposed to be elected of the value of four hundred dollars.

Qualification of aldermen.

Further quali-  
fication.

**7.** No person shall be capable of being mayor or alderman of the said city of Hull, unless he be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor unless he shall continue to reside, during his tenure of office, in the said city.

Persons ineli-  
gible as mayor  
or alderman.

**8.** No person being in holy orders, nor any ministers of any religious belief whatever, nor any judge of the court of Queen's bench or of the superior court, nor any person accountable for the revenues of the said city, or receiving any pecuniary allowance from the city for his services, nor any officers or person presiding at the election of the aldermen, while so employed, nor any person having in person, or through his partner, any contract whatever, or interest in any contract with or for the said city, shall be capable of being elected aldermen for the said city; provided always, that no person shall be held incapable of being elected alderman for the said city from the fact of his being a shareholder in any incorporated company which may have a contract or agreement with the said city.

Proviso :

Persons ex-  
empt of said  
functions.

**9.** The following persons shall not be obliged to accept the office of aldermen of the said city, nor any other office to be filled by the council of the said city, viz: Senators and members of the house of commons, members of the legislature, practising physicians, surgeons, and apothecaries, school-masters actually engaged in teaching, persons over sixty years, and the members of the council of the said city, who have been so within the two years next preceding, and the persons who shall have fulfilled any of the offices under such council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such payment or service.

Who may vote  
at the muni-  
cipal election  
for the city.

**10.** The persons entitled to vote at the municipal elections of the said city, shall be male inhabitants, freeholders and house-holders of the age of twenty-one years, possessed at the time of real property in the said city of the value of two hundred dollars, or twenty dollars annual revenue, and tenants of the age of twenty-one years, who shall have resided in the said city, and paid rent during the year immediately preceding the election, on a dwelling house at the rate of not less than twenty dollars per annum, which qualification shall be ascertained by the valuation roll which it shall be the duty of the council to amend and perfect from year to year; provided always, that no person qualified to vote at any municipal election in the said city, shall have the right of having his vote registered, unless he shall have paid the municipal and school taxes then due.

Voter must  
have paid his  
taxes, and the  
receipt may be  
demanded.

before the first day of voting, and any candidate at such election, or the person presiding thereat, may require the production of the receipts establishing the payment of such taxes that have become due as aforesaid, and every elector shall vote in the ward in which his property is situated, and at the poll for such ward, and for the same one or more of the candidates nominated therefore.

In what ward he must vote.

**11.** The municipal election for the said city, in virtue of this act shall, after the present year, be held in the month of January in each year, and public notices thereof shall be given at least fourteen days previous to such election, in the French and English languages, by notices posted up at the door of the churches, and in the markets of the said city, and read at the door of the Roman Catholic church in the said city, at the issue of divine service, in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this act, by the registrar of the county of Ottawa; and for all subsequent elections, the said notice shall be signed by the mayor, the secretary or secretary-treasurer of the said council, and shall specify the day, place and hour upon which the said elections are to take place.

When the municipal election shall be held.

Notice thereof.

**12.** The registrar of the county of Ottawa shall preside at the first election, which shall take place within one month after the approval of this act by the lieutenant-governor of the province of Quebec, in one of the wards of the said city, and he shall appoint deputies to represent him in the four other wards of the said city, which deputies shall take the oath of office either before the said president or before any magistrates or justices of the peace in and for the district of Ottawa, before acting as such, and the said four deputies shall be bound to make returns to said president of the votes given in each of the said wards, as entered in the poll books, within one hour after closing of the poll; and if such deputy or person in any way neglects the duties of his office during or subsequent to the said election, and does not deliver the said poll books within the delay above prescribed, he shall incur a fine of one hundred dollars; and if the said election shall not take place at the time appointed, such election may be had in manner aforesaid in the following month.

Registrar to preside at the first election.

Deputies for four wards.

Their returns.

Penalty.

**13.** The registrar for the county of Ottawa, may, in case of sickness or of his inability to preside at the said election, appoint a deputy under his hand and seal, and the said deputy shall have his rights and privileges, and shall perform the same duties and be bound under the same penalties as the said registrar in case of refusal or neglect to fulfil his duties in relation to said election.

Registrar may appoint deputy in case of sickness, &c.

Holding the poll.

In what ward electors shall vote.

Closing poll.

Casting vote.

**14.** The poll for the reception and registration of votes shall be open from nine of the clock in the forenoon until four of the clock in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election, each elector shall be entitled to vote in each ward in which he is a qualified elector for so many aldermen as by this act are appointed to represent the wards respectively; and one hour after the closing of the poll, the president shall declare the ten persons who shall have obtained the greatest number of votes as aldermen to be duly elected members of the said council; and in case if one or more of the candidates, should have an equal number of votes, he shall give his casting vote in favor of that one or those of the candidates whom he thinks proper, which said casting vote he shall be entitled to give whether or not he is himself qualified to vote.

Dispositions of municipal code applicable.

**15.** All the dispositions contained in the municipal code of the province of Quebec, concerning the duties of the president at the municipal elections, or for the nomination of candidates to the office of alderman, shall apply to the duties of the president of each and every poll in the said city.

Poll to be closed if no vote be given for one hour.

**16.** If at any time after the votes have commenced to be polled one hour elapse without any vote being polled in any polling place, it shall be the duty of the person presiding to close the said poll, and make his return to the president of the election within one hour after the closing of such poll, which president of election during the holding of the said polls shall be bound to be at the town-hall of the said city, or at such other place as shall be designated to him by resolution of the council of said city, and shall at such place declare duly elected such candidates as shall be entitled so to be, provided that no person shall have been within the last hour prevented from approaching the poll, by violence, of which notice shall have been given to the person presiding at such poll.

Proviso:

Duration of office of mayor and aldermen.

**17.** The mayor shall be elected by the aldermen from among themselves at their first or any subsequent meeting, and shall be elected for one year only, and shall remain in office until his successor shall be appointed; the aldermen elected at any of the municipal elections shall remain in office during two years except those who shall have been elected at the first election, of whom five shall retire from office at the expiration of the first year, one for each ward, and it shall be declared by ballot in the manner to be established by the council, which of the aldermen shall thus retire from office at the end of the first year.

**18.** The mayor shall maintain order and decorum during the sittings of the council; he may cause to be arrested, by any police officer or constable, or other person, any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the recorder to be dealt with according to law.

Order and decorum.

Power of the mayor.

**19.** The subsequent elections for the said city shall take place in the same manner and within the same delay as the first, with the exception however, that the said elections instead of being presided over and conducted by the registrar, shall be so by one of the members of the council, who shall not retire from office, and who shall be appointed by the council one month previous to the time fixed for the said election, and the said alderman shall make a proclamation of the person elected in the same manner, at the same hour, and in the same place as the registrar for the first election, and the said alderman, for all purposes relating to elections, shall have the same powers and the same duties as the registrar for the first election.

How subsequent elections shall be conducted.

**20.** The person who shall preside at an election, shall be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the justices of the peace, and this, whether the said person presiding do or do not possess the property qualification of a justice of the peace as required by law, and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary, or be required so to do by five electors.

Powers of persons presiding at elections.

**21.** The person presiding at any such election shall, within two days from the closing of the election, give to each of the aldermen so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the council to take place after their said election, the aldermen so elected, shall enter respectively into office as such, at the first meeting, and shall remain in office until the appointment of their successors.

Notice of first meeting of council.

Entry into office.

**22.** The person so presiding at any such election shall deliver up immediately to the secretary-treasurer of the city council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents

Poll books, &c. to be delivered up to the secretary-treasurer, &c.

relating to the said election, certified by himself, to form part of the records of the said council, and copies of the same, certified by the secretary-treasurer, shall be valid in any court of justice.

First sitting; mayor and aldermen to take oath of office.

**23.** The first session of the council, after the first election, shall take place within eight days immediately following the said election, and the aldermen elected shall take the following oath, before a justice of the peace, before acting :

The oath.

“I, A. B..... do solemnly swear faithfully to fulfil the “ duties of a member of the council of the city of Hull, to “ the best of my judgment and ability : So help me God.”

Majority then present may act.

**24.** And the members then present, provided they form a majority of the council, shall be authorised to act as the council.

When the mayor and aldermen elected after first elections, shall go into office.

**25.** The mayor and aldermen elected subsequently to the first election shall enter office on the day of their nomination, and a meeting of the council shall take place within eight days after, in the same manner as after the first election, and the mayor and aldermen elected, shall take the same oath.

Quorum.

**26** Six members of the council shall constitute a quorum.

Cost of election.

**27** The expenses of every election shall be defrayed out of the funds of the corporation.

Case of the mayor or aldermen refusing to act.

**28.** In any case in which one of the persons elected shall refuse to act as alderman, or in case his election being contested, shall be declared null, the city council shall fix a day for a new election, public notice of the same shall be given according to clause eleven, and the electors of the city shall proceed to elect a person to replace the said alderman within one month after the said refusal shall have been made known, or that the said election shall have been declared null, and if it be the mayor who shall refuse to accept, or whose election shall have been declared null, the aldermen of the city shall proceed to a new election for such mayor within the said delay, and the said election shall be conducted in the same manner as annual elections.

If the mayor refuses, &c.

Case of the absence, death or incapacity of mayor or aldermen.

**29.** In case of death of the mayor or an alderman, or in case of his absence from the city, or incapacity to act as such, either from infirmity, sickness, or any other cause, during three calendar months, a new election of aldermen shall be had in manner aforesaid, to replace such alderman

so deceased, absent, or rendered incapable, as above mentioned, and in case of the mayor, the aldermen shall proceed to a new election of mayor.

**30.** Every mayor or alderman so elected to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected, and no longer.

Duration of office of the person replacing another.

**31.** Before any person shall proceed to hold an election, in conformity with this act, he shall take the following oath, before the city treasurer, or in the event of his absence, before any justice of the peace, residing in the said city, who are hereby authorised to administer, that is to say :

Oath of the presiding officer at election.

“ I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer, at the election which I am about to hold for persons to serve as members of the city council of Hull : So help me God.”

The oath.

**32.** The officer presiding at any election under this act shall have authority, and he is hereby required, at the request of any persons qualified to vote, at such election, to put the oath following, (or affirmation when the party is allowed by law to affirm,) to any candidates for the office of member for the said city council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required upon such request as aforesaid, to examine upon oath (or affirmation,) any person tendering his vote at any election ; and the oath to be administered by the presiding officer in both cases, shall be the following :

The presiding officer shall have the right to examine the candidate under oath if required.

“ I swear that I possess the qualification to be elected member of the city council, (or to vote at this election, as the case may be) : So help me God.”

The oath.

**33.** And any person who shall wilfully for-swear himself, or falsely affirm, shall incur a penalty of not more than two hundred dollars.

False swearing.

The said city council shall meet at least once in each month, for the transaction of the business of the said city, and shall hold their sittings in the town-hall, or in any place in the said city which shall have been set apart for the purpose, either temporarily or permanently ; provided always, that four members, after one hour elapses from the time fixed for the meeting, may adjourn any meeting of the council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members, at the regular or adjourned meetings as

Time and place of meeting of the council.

Adjournments and penalties for non-attendance.

aforesaid, and such absent members shall incur such penalty as may be provided by any by-laws of the said city council for that purpose.

Special meetings, how and by whom called.

**34.** It shall be lawful for the mayor of the said city, whenever he shall deem it necessary or useful, to call special meetings of the said council; and whenever four members shall be desirous of obtaining such special meeting, they shall apply to the mayor to call such meeting, and in the absence of the mayor, or on his refusal to act, they may call such meeting themselves on stating in writing, to the secretary-treasurer of the said council, their object in calling such special meeting, and the day on which they are desirous that it shall be held, and the said secretary-treasurer shall, upon receipt of such written notification, call in writing, a meeting of the said council, by notice to each alderman.

Decision of contested election by the superior court.

**35.** If the election of all, or of one or more of the aldermen be contested, such contestation shall be decided by a judge of the superior court, sitting in the district of Ottawa, in term or in vacation.

Who may contest.

**36.** Every such election may be so contested by one or more of the candidates, or at least ten of the electors of the said city.

And how.

**37.** The said contestation shall be brought before the judge, by a petition, signed by the petitioner or petitioners, or by any authority duly authorized, setting forth in a clear manner the grounds of such contestation; a true copy of the petition, with a notice stating the day on which the said petition will be presented to the court, shall be first duly served to the mayor, alderman or aldermen, whose election is contested, at least eight clear days before the day on which the said petition shall be presented to court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the bailiff who shall have made such service, but no such petition shall be received after thirty days following the election thereby contested; nor shall any such petition be received, unless security for costs be given by the petitioners, in the presence of a judge of the superior court, or the prothonotary of the superior court; if the judge is of opinion that the grounds set forth in the petition are sufficient in law to void the said election, he shall order proof to be adduced, if proof be necessary and the parties interested to be heard, on the nearest day which he shall deem expedient, and shall proceed in a summary manner to hear and decide the said contestation; the evidence may be taken down in writing, or given orally in

Form of proceedings.

Time for contesting limited.

If the judge thinks the grounds alleged are sufficient.

whole or in part, as the judge shall order, the judge may, on such contestation, confirm the election, or declare the same to be null and void, or declare another person to have been duly elected, and may, in either case, award costs to or against either party, which costs shall be taxed and recovered in the same manner, and the same means, as costs are taxed and recovered in actions of the first class; and the judge may order his judgment to be served upon the secretary-treasurer of the council at the expense of the party condemned to payment of costs as aforesaid; if any defects or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the judge may admit or object to the same according as such defect or irregularity may or may not have materially affected the election.

What shall be declared by the judgment.

Costs.

Discretion of the judge in case of irregularities.

**38.** In case that it shall at any time happen that an annual municipal election shall not be held, for any reason whatsoever, on the day when, in pursuance of this act, it ought to have been held, the said city council shall not for that case be deemed to be dissolved, and it shall be the duty of such members of the council aforesaid, as shall not have retired from office, to meet again for the purpose of fixing as early as possible a day for the holding of such annual municipal election, and for the appointment of the president of the election, and if within fifteen days after the day on which such election ought to have been held the members of the said council shall have neglected to appoint the day for such election, and appoint such president, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the registrar.

Council is not dissolved for default of election.

A day shall be fixed for the holding of it.

Penalty for neglecting to fix it.

**39.** The following persons shall be held to be guilty of bribery, and liable to the penalty hereinafter imposed for such offence.

Bribery at elections.

**40.** Any elector who will at any time, before, during or after any municipal election in the said city, ask or take any money or reward, by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote at any such election; or any candidate at any such election, or any other person who by himself or by any one employed by him, shall, by any gift, reward, promise, agreement or security, corrupt or offer to corrupt any elector to give or forbear to give his vote at any such election.

What constitutes a case of bribery.

**41.** Any elector who, by way of gift, loan, reward, promise or other device, shall procure or undertake, or en

Idem.

deavor to procure the return of any candidate at any municipal election in the said city.

Idem.

**42.** Any person who shall receive any money, gift, reward or promise by way of carriage hire, or for loss of time, in giving his vote, or who shall accept an exorbitant price for any merchantable article or consideration for his vote, or for abstaining to vote at any municipal election in the said city.

Idem.

**43.** Any candidate or other person who shall engage or hire any licensed carter for the purpose of carrying voters to the polls ; or any licensed carter who, for money, or for any gift, reward, promise, or other device, shall let his carriage, sleigh or other vehicle, to any candidate or other person for the purpose of carrying voters to the polls at any such election.

Penalty.

**44.** Any person offending against any of the provisions of the next preceding section, shall, for every such offence, incur a fine of fifty dollars, to be recovered with full costs of suit, by any one who shall sue for the same in the recorder's court, or before the district magistrate for the district of Ottawa ; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for three years forfeit his right to vote at any municipal election in the said city, or to be elected mayor or alderman of the said city for a term of three years.

Disqualification for three years.

Votes corrupted, nullified.

**45.** All votes given in violation of any of the foregoing provisions, shall be null and void.

Taverns to be closed during the voting.

Penalty.

**46.** Every inn or tavern licensed for the sale of spirituous or fermented liquors, in the ward or wards of the said city, in which an election is held as aforesaid, shall be closed during the time the polls are kept open, under a penalty of one hundred dollars against the keeper of such tavern, if he neglects to close it, and under a like penalty if he sells or give any spirituous or fermented liquors, or drinks as aforesaid, pending such election.

Punishment against disorders at the sittings of the council.

**47.** The said council shall have power to make a by-law to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed but may be less than forty dollars currency, any alderman who may be guilty of disturbances or violence during its sittings, either by action, by word or any other manner whatsoever.

Meetings to be public.

**48.** All meetings of the said council shall be public excepting when the said council shall inquire into the

conduct of any members of their own body for any cause whatsoever, or when they shall have to open tenders asked for any public work whatsoever, in which cases it shall be lawful for the said council to sit with closed doors; and the said council shall have power, by by-laws, to determine the mode of their proceedings and the order to be observed by persons present during their sittings, and to punish by fine and imprisonment, or by one of the two, any act of contempt committed by any such persons present; provided always, that no such fine shall exceed the sum of twenty dollars currency, costs not included, and that no such imprisonment shall exceed the period of fifteen days.

Exception.

Certain other powers of council.

Contempts.

Proviso :

**49.** The sheriff and gaoler of the district of Ottawa shall be bound, and they are hereby authorized and required and ordered to receive and safely keep until duly discharged, all persons committed to their charge by the said city council, or by any member or officer thereof, under its authority.

Powers and duties of the sheriff and gaoler.

**50.** The mayor of the said city, if he is present, shall preside at the meeting of the council, shall maintain order thereat, and shall have a right to express his opinion and to vote as an alderman on all questions which shall be brought before the said council;

Mayor to preside at council meetings, and to have casting, but neither he nor the aldermen to have any pay for such.

Provided always, that when the said aldermen, after having voted on any question shall be found to be equally divided, then, and in that case only, the mayor shall decide the question by a second vote, giving his reasons for it, if he thinks proper; and the aldermen shall not receive any salary or emoluments from the funds of the city during the time they shall remain in office; provided also, that whenever the mayor shall not be present at any regular or special meeting of the said city council, the aldermen present shall choose one of their number to fill the place of the mayor during the sitting.

If the mayor be absent.

**51.** The council, at its first general meeting, or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the secretary-treasurer of the city of Hull.

Appointment of the secretary-treasurer.

**52.** The secretary-treasurer shall be the custodian of all books, registers, valuation rolls, collection rolls, reports, *procès verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall allow persons interested therein to inspect the same at all reasonable hours: and every copy or extract of or

Duties of the secretary-treasurer.

His certificate to make certain documents authentic. from any such book, register, valuation roll, collection roll, report, *procès verbaux*, plan, map, record, document or paper certified by such secretary-treasurer, under the seal of the said corporation, shall be deemed authentic.

Security to be given by him. **53.** Every person appointed secretary-treasurer shall, before acting as such, give the security hereinafter mentioned.

Sureties. **54.** He shall furnish two sureties, whose names shall be approved by a resolution of the council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the secretary-treasurer and their obligation shall extend to the payment of all sums of money for which the secretary-treasurer may at any time be accountable to the corporation including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office.

Mode of making it. **55.** Every such security bond shall be made by an act before a notary and accepted by the mayor, and it shall be the duty of the secretary-treasurer to transmit a copy of the same.

Enregistration. **56.** Every such security bond, when duly registered in the registry office for the county of Ottawa, shall carry with it a hypothec (*hypothèques*) only on such immovable property as shall have been therein designated, and it shall be the duty of the chief officer of the council to cause it to be registered immediately on receipt thereof.

Sec.-treasurer shall collect sums due to and pay those due by the corporation. **57.** The secretary-treasurer shall receive all moneys due and payable to the corporation, and he shall pay, on a written order of the mayor, all sums due by the corporation not exceeding ten dollars, and on a resolution of the council all sums exceeding such amount.

He shall keep books of account. **58.** He shall keep, in a manner which shall be prescribed from time to time by the council, books of account, and he shall keep in his office the vouchers for all expenditure.

He shall render account of receipts and expenditure. **59.** The secretary-treasurer shall render to the council every six months, that is to say, in the months of June and December in each year, or oftener if required by such council, a detailed account of his receipts and expenditure, attested by him under oath.

His books to be open to inspection. The secretary-treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, as well to the council as to each of the members thereof, and to the municipal officers by them appointed, and to all persons interested therein.

**60.** The secretary-treasurer, or any other person who shall have filled the said office, may be sued by the mayor in the name of the corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in such action he may be condemned to pay damages and interest for having failed to render such account; and if he renders an account, he shall be condemned to pay such sum as he shall acknowledge, or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the court shall think, he ought to be held accountable for; and every judgment pronounced in any such suit, shall include interest at ten per centum on the amount thereof by way of damages, together with the costs of suit.

He may be sued for rendering account.

**61.** The council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this act, or of any by-law or regulation of such council.

Power of council to appoint officers.

**62.** Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, or to the secretary-treasurer, if he be then elected or appointed, or if not then, within eight days after the election or appointment of such secretary-treasurer, or within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such officer.

Officers retiring; their duties.

**63.** If any such officer die or absent himself from the city without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor, or to the secretary-treasurer, within one month from his death, or from his departure from the city.

Duties of their representatives.

**64.** And in every such case the corporation shall, besides all other legal remedies, have a right of action before any court of justice, either by *saisie revendication* or otherwise, to recover from such officer, or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books, or insignia, together with costs and damages in favor of the corporation; and every judgment rendered in every such action, may be enforced by *contrainte par corps* against the person condemned, whenever the said *contrainte* is demanded by the declaration.

Corporation to have right of action.

Contrainte par corps.

**65.** The said city council shall have power, whenever they may deem it advisable, to appoint assessors or valua-

Assessors to be appointed; their duties.

tors of property, and it shall be the duty of the assessors to estimate the saleable property in the said city according to its real value, and in the manner and within the periods which shall be fixed by the said city council.

Assessors to  
take oath.

**66.** Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said city, to take the following oath before the mayor of the said city, or, in his absence, before an alderman, to wit :

The oath.

“ I, \_\_\_\_\_, having been appointed one of the assessors of the city of Hull, do solemnly swear, that I will diligently and honestly discharge the duties of that office, to the best of my judgment and ability : So help me God.”

Qualification of  
assessors.

**67.** The assessors who shall be appointed for the said city shall be proprietors of real estate in the said city, of the value of at least four hundred dollars.

Notice of the  
deposit of as-  
sessment roll.

**68.** When the assessors shall have made a valuation of all the rateable property of the said city, they shall deposit the assessment roll with the secretary-treasurer of the said city, and notice of such deposit shall be given by the secretary-treasurer in the same manner as notice for an election of aldermen, and at the next issuing meeting of the said council, the said assessment roll shall be produced, and if they desire it examined by the aldermen, and the assessment roll shall be deposited in the office of the secretary-treasurer for the period of one month, dating from such meeting, and during that period it shall remain open to the inspection of all persons whose property shall have been valued or their representatives, and during that

Deposit of the  
roll during a  
month.

period, persons considering themselves aggrieved may give notice in writing to the secretary-treasurer of their intention to appeal to the said city council, complaining of any excessive valuation, and such appeal shall be tried by the said council, at the first meeting which shall be held after the expiration of the month above mentioned, and the said council, after having heard the parties and their witnesses under oath, which shall be administered by the mayor or presiding alderman, shall confirm or alter the valuation roll, the change whereof shall have been prayed for as to them shall seem just, and at the same meeting the said assessment roll shall be declared closed for one year, unless however, from the numbers of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined ; and provided also,

Complaints.

Judgment of  
the council.

Roll declared  
closed for one  
year.

that if any omission shall have been made in the said assessment roll, the said council may order the assessors to

Omissions.

value any property so omitted, in order to its being added to the roll.

**69.** The assessors for the time being, shall have the right to be heard, if they desire, to explain the reasons and the motions which may have guided them in the valuation of the properties against which claims shall have been made as aforesaid. Right of assessors to be heard.

**70.** The said council shall at all events proceed to the revision, amendment, if such be required, and homologation of the valuation roll of the said city, whether the same be demanded or not, at its said session next following the expiration of the said thirty days above mentioned, and they shall have the right to rectify all involuntary defects in the wording of the same roll. Revision of the roll. Defects rectified.

**71.** At the first meeting after each annual municipal election, two persons shall be appointed by the said city council; and such auditors shall take the following oath before the mayor or any one of the justices of the peace, of the district of Ottawa, that is to say: Two auditors of accounts to be appointed and sworn.

“ I, having been appointed to the office The oath.  
 “ of auditor of the city of Hull, do hereby swear that I will  
 “ faithfully perform the duties thereof, according to the best  
 “ of my judgment and ability; and I do declare that I have  
 “ not, directly or indirectly, any share or interest whatsoever  
 “ ever in any contract or employment with, by, or on behalf  
 “ of the city council of the said city of Hull: So help me  
 “ God.”

**72.** It shall be the duty of the auditors to examine and report upon all accounts which may be entered in the books of the said council, or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said city council; and to publish a detailed statement of the receipts and expenditure, and of the revenues of the said council, in two newspapers, one in English and the other in the French language, published or circulated in the said city, at least fifteen days before the annual municipal elections. Duty of auditors. Publication of the statement.

**73.** Neither the mayor, aldermen, secretary-treasurer of the said city, nor any person receiving any salary from the said council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of auditor for the said city. Certain persons disqualified as auditors.

**74.** The mayor of the said city shall, during the period of his office, be a justice of the peace; provided always, that Mayor to be justice of the peace.

he shall not be bound to take any other oath than his official one, to qualify him to act as such; any law to the contrary notwithstanding.

In what case  
aldermen shall  
be disqualified.

**75.** Every person holding the office of alderman of the said city, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of the insolvent debtors, or who shall enter into holy orders, or become a minister of religion, in any religious denomination, or who shall be appointed a judge, or who shall become responsible for the revenues of the city, in whole or in part, or who shall absent himself from the said city without the permission of the said council, for more than two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said council shall become vacant, and such person shall be replaced in accordance with the provisions of this act; provided always, that the word "judge," employed in any part of this act, shall not apply to a justice of the peace or commissioner of small causes.

Vacancies.

The council  
shall appropriate a certain  
sum every  
year.

**76.** Every year, on or before the first day of May, the said council shall make an appropriation of the amounts necessary to meet the expenses of the current year by providing:

1. For the payment of the interest, and sums required for the sinking fund, on the debt due by the said city;
2. For the general and ordinary expenses of the city;
3. For the sums required for contemplated improvements;
4. For a reserve of not less than five per cent to be used exclusively to meet unforeseen expenditure.

Limit of appropriations.

**77.** Such appropriations shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Expenses limited.

**78.** It shall not be lawful for the said council, to expend beyond the amount so appropriated, except in cases and under the conditions hereinafter set forth; but the council may at any time vary the application of the sums so appropriated.

Liability of members voting for any excess.

**79.** Any member of the council, who shall have sanctioned the expenditure of any sum of money beyond the amounts so appropriated, and the amounts at the disposal

of the council, in conformity with the foregoing sections, shall be personally responsible therefore.

**80.** In cases of urgent necessity, the said council may, by a majority of its members, pass a by-law to make any appropriation they may think necessary, beyond the amounts at their disposal; provided, that by such by-law an additional assessment shall be imposed, payable during the course of the year in which such by-law is passed, and sufficient to cover the amount so appropriated, which assessment shall be imposed on all real estate in the said city, and may be recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act.

In case of urgent necessity, extra appropriation may be made.

**81.** For all the purposes relative to the distribution and apportionment of school moneys and for all other purposes of this act, where it is not repugnant to the other provisions thereof, the city of Hull shall be considered as one municipality; and it shall not be necessary to divide them into school districts, but each school established by the commissioners or put under their control by virtue of and in accordance with this act, shall be considered as a school district, and may be attended by children from any part of the city.

City of Hull considered as one municipality for school purposes.

**82.** So much of the act 32 Vic. cap. 16, intituled: "an act to amend the law respecting education in this province," as relates to the corporations of the cities of Quebec and Montreal, shall have full force and effect in the city of Hull, and shall be held to be part and parcel of this act, more especially that part of the above recited act, under section number twenty-nine, to wit: "the said statement shall be divided into four distinct panels;

32 Vic., c. 16. shall apply to the city for that end.

" 1. Panel number one shall consist of the real estate belonging exclusively to Roman Catholic proprietors;

Panels

" 2. Panel number two shall consist of the real estate belonging exclusively to Protestants;

" 3. Panel number three shall consist of the real estate belonging to corporations, or incorporated companies, and subject to taxation under this act, or to persons not belonging to the Roman Catholic or Protestant faith, or whose religious faith shall not have been ascertained, or belonging partly or jointly to persons belonging, some to the Roman Catholic and others to the Protestant religion, or to persons who shall have declared in writing their desire of having their property inscribed on said panel, or to firms of commercial partnerships who shall not have declared through their agent, or one of their number, their desire of being placed on the first or on the second panel;

“ 4. Panel number four shall consist of the real estate exempted from taxation ;

“ 5. Properties possessed for purposes of revenue by religious, charitable or educational institutions, or corporations, shall be inscribed upon list number one, or list number two, according to the religious denomination to which such institutions or corporations shall belong, or in accordance with the declarations made by each of them to that effect, and if the religious denomination is not apparent, and if no such declaration has been made, they shall be placed upon list number three.”

Duties of the societies to pay certain sums for the common schools.

**83.** In the city of Hull, no rate shall be imposed for the purposes of common schools, but the city treasurer of the said city of Hull shall, out of the moneys in his hands forming part of the funds of the corporation of such city, from whatever source such moneys are derived (all laws or rules or by-laws of the council of such corporation to the contrary notwithstanding), pay to the respective boards of school commissioners of such city, and in such proportions as contained in sub-sections 1 and 2 of section 33 of the said act, 32 Vict., cap. 16, a sum equal in amount to that apportioned to such city out of the common school funds, to be employed for the purposes of the common schools, under the direction of such boards of school commissioners respectively; and if the treasurer refuses to make such payment, the board of commissioners, or their secretary, may recover the amount by action in the superior court, who shall order such treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in or that may thereafter come into his hands as such treasurer; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment.

Recovery of it in case the city treasurer refuses to pay.

Power to pay an additional amount for unforeseen expenditure.

**84.** The corporation of the city of Hull may pay out of their funds an additional sum equal to that which they are authorized to pay to the boards of school commissioners, and also an additional sum of thirty per cent to make good any unforeseen or contingent expenditure.

Intercourse of the commissioners with superint. of education.

**85.** The school commissioners for the city of Hull shall, in their intercourse with the superintendent of education, be guided by the same rules and regulations as the school commissioners for the cities of Quebec and Montreal.

City council may make by-laws for certain purposes.

**86.** It shall be lawful for the said city council, from time to time, to make such by-laws as may seem to them necessary or expedient, for the internal government of the city, for the improvement of the place, for the maintenance of the peace and good order, and for the good repair, cleaning

of the streets, public squares, and vacant and unoccupied lots, for the prevention or suppression of all nuisance whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said city.

**87.** It shall be lawful for the said city council to ap-<sup>May appoint and remove officers, &c.</sup>point, remove and replace, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the by-laws then in force, or to be by them enacted thereafter, and to require from all persons employed by them, in any quality what-<sup>Security.</sup>soever, such security as to them shall seem meet to ensure the due execution of their duties.

**88.** In order to raise the necessary funds to meet the<sup>Council may levy taxes.</sup> expenses of the said city council, and to provide for the several necessary public improvements in the said city, the said city council shall be authorised to levy annually on persons, and on movable and immovable property in the said city, the taxes hereinafter designated, that is to say :

1. On all lands, city lots, and parts of city lots, whether<sup>Upon real property.</sup> there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one fourth of a cent in the dollar on their whole value, as entered on the assessment roll of the said city ;

2. On all tenants paying rent in the said city, an annual<sup>On tenants.</sup> sum equivalent to two cents in the dollar, on the amount of their rent ;

3. On the following immovable property kept within<sup>On certain personal property.</sup> the limits of the said city, viz :

4. On every covered carriage, with four wheels, and two seats, two dollars ;

5. Every open carriage, with four wheels and two seats, two dollars ;

6. Every curricule or light waggon, with one seat, fifty cents ;

7. Every two horses sleigh, one dollar ;

8. Every one horse sleigh, carriole or calèche, fifty cents ;<sup>Certain personal properties exempted.</sup> provided always, that every winter or summer vehicle used solely for drawing loads, and all vehicles commonly called draught or work vehicles, as well as farm stock and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

9. On all stocks in trade or goods, kept by merchants or<sup>Upon merchandize.</sup> traders, and exposed for sale on shelves in shops, or kept in store-house, a tax of one quarter of one cent, on the estimated average value of such stocks in trade ;

- Personal tax. 10. On each male inhabitant of the age of twenty-one years, who shall have resided in the said city for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;
- Dogs. 11. On every dog kept by persons residing in the said city, an annual sum of fifty cents ; provided always, that there shall be no tax paid for dogs kept by farmers on their farms ;
- Proviso:
- On certain professions, trades, &c. 12. And it shall be lawful for the said city council to fix, by a by-law or by-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of
- Taverns, &c. 13. Houses of public entertainment, taverns, coffee-houses and eating-houses, and on retailers of spirituous liquors ;
- Pedlers. 14. And on pedlers and itinerant traders, selling in the said city, articles of commerce of any kind whatsoever ;
- Theatres, circuses, games, &c. 15. And on all proprietors, possessors, agents, managers and keepers of theatres, circuses, billiard rooms, ten-pin alleys, or other places for games and amusements of any kind whatsoever ;
- Auctioneers and other traders. 16. And on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers, and distillers ; and on all merchants and manufacturers and their agents ; and on all proprietors or keepers of wood yards or coal yards, and slaughter-houses, with said power ; and on
- Wood yards. all money changers or exchange brokers, pawn-brokers and
- Brokers, &c. their agents ;
- Bankers. 17. On all bankers and banks, and their agents ;
- Insurance companies. All callings whatever, &c. 18. And on all insurance companies or their agents ; and generally on all commerce, manufacturers, callings, arts, trades and professions which have been, or which may be exercised in or introduced into the said city, whether the same be or be not mentioned here ;
- Workmen to be divided in classes. 19. And the workmen of all mechanical arts and trades exercised in the said city, shall be divided into first and second classes, by the person appointed by the said city or council, to make the roll of movable property, and shall be assessed at one dollar per annum, for those of the first class, and at twenty-five cents for those of the second class ;
- Lawyers, doctors, &c. 20. And every person in the said city, practising the profession of a lawyer, or of a physician, or of land-surveyor, or any other liberal profession, shall be assessed at the sum of three dollars annually ; and the said city council may name a person or persons to make a roll of the persons and movable property mentioned in the different parts of this section ; and the said council shall also have the power to
- Roll to be made. levy a special tax on the said city for the construction, maintenance and repair of the streets and foot-paths of the
- Special tax for streets, &c. said city.

**89.** The council shall be bound, upon a petition of a majority of the proprietors of real estate of any ward, appearing upon the assessment roll; praying for any amelioration or work within the said ward, to impose a special tax, not exceeding one cent in the dollar, in each year, on the annual assessed value of real property in such ward, for such amelioration or work; which tax may be levied and collected in the same manner, as the other taxes of the said city, and shall form a special fund in the hands of the treasurer, to be applied for the said amelioration or work.

**90.** The said council shall also have power to make by-laws:

1. For determining and regulating the duties of the clerks of the markets in the said city and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said council, and on the payment of such fees as the said council may think fit to impose on that behalf on any thing or things sold or offered for sale on the said markets;

2. For regulating and placing all vehicles in which any articles shall be exposed for sale on the said market;

3. For preventing persons bringing provisions of any kind into the said city from selling or exposing them for sale in any other place than the markets of the said city;

4. For amending, modifying or repealing all by-laws made by the municipal council who have had the management of the internal affairs of the said city.

**91.** And the said council of the city of Hull shall also have the power to make such by-laws as they may deem expedient in relation to the ferries between the said city of Hull and the city of Ottawa and the township of Templeton, and to impose penalties upon all persons or ferry-men refusing or neglecting to conform to such by-laws, and to regulate the manner and before whom the same shall be recovered, and such penalties shall belong to the said city of Hull.

And by and with the consent of the mayor, aldermen, and citizens of Ottawa, P. O., and of the said township of Templeton;

- Provido:            Provided always, that the said mayor, aldermen and citizens only shall have the right to grant licenses to keep such ferry, which licenses shall not exceed a period of ten years, and the revenue from which licenses shall be equally divided between both corporations:
- Lots and streets.        1. For determining and regulating the manner in which lots shall be divided off and new streets opened, and those now existing changed and re-opened ;
- Market places.        2. For establishing one or more market places, of such extent and in such manner as they may think proper, subject however to the payment of all damages which may be sustained by individuals, by the establishment, enlargement or any other alteration of such market places at the expenses of their respective lands.
- Obstructions.         3. And for obliging all persons to observe in the above matters the by-laws which the said council shall hereafter deem useful to establish for preventing obstruction of any nature whatsoever in streets ;
- Sales in public highways.    4. For preventing the sale in any public high-way of any wares or merchandize whatsoever ;
- Sale of intoxicating liquors. 5. For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquors, or for authorising such sale, subject to such restrictions as they deem expedient ;
- Licenses.             6. For the determining under what restrictions and conditions the revenue inspector of the district of Ottawa shall grant licenses to merchants, traders, shop-keepers, tavern-keepers and other persons to sell such liquors ;
- Sum payable for licenses.    7. For fixing the sum payable for every such license, provided that in any case it shall not be less than the sum which is now payable therefore, by virtue of the laws at present in force ;
- Regulations of shop-keepers. 8. For regulating and governing all shop-keepers, tavern-keepers and other persons selling such liquors by retail, and in what place such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;
- Sale of liquors to children, apprentices, &c.    9. For preventing the sale of intoxicating beverages to any child, apprentice or servant ;
- Driving of vehicles.        10. For preventing the driving of vehicles at an immoderate pace in the said city, or riding on horse-back on the sidewalks of the said city, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively, in order to oblige them to draw burdens of too great a weight ;
- Cruelty to animals.        11. For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said city ;
- Bread.                 12. For regulating the conduct and certain duties of apprentices, domestics, hired servants, or journeymen in the said city, and also certain duties and obligations of masters and servants.

or mistresses towards such servants, apprentices and journeymen ;

13. To prevent the keeping of gaming-houses, places of gambling or any description of houses of ill-fame in the said city ; Gaming houses, &c.

14. To establish as many public pounds as the said council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said city ; and to Public pounds.

15. For regulating, arming, lodging, clothing, and paying a police force in the said city, and for determining their duties ; Police.

16. To regulate and fix the places in which burials shall be allowed within the said city, for compelling the exhuming of all bodies which shall be buried in contravention of this provision ; provided always, that this paragraph shall not be deemed to extend, to prevent interments within the churches in the said city ; Burials. Proviso :

17. For preventing persons from bathing and cleansing themselves in open air and in the sight of the public ; Bathing in open air.

18. For establishing within the said city one or more houses of confinement, police stations or other houses of confinement, for the safe keeping of any persons arrested for any infringement to law or to any by-law of the said council, until they may be brought before the mayor, or any alderman or justice of the peace for the district, or conveyed to gaol, if there be reason to, after their conviction ; Police stations.

19. For preventing or regulating the building of slaughter houses, which may become public nuisances, or causing such slaughter houses, already existing in the said city, to be removed. Slaughter houses.

92. The said council may, at any time, by mutual consent, agree with any person or company having established, or intending to establish any manufactory or manufacturing concern, for the payment of a certain annual sum, during a period not exceeding ten years, as a commutation for any assessment on all the properties occupied for the use of such manufactory, as well as on the said manufactory ; and may also, with a view of encouraging such manufactory or manufacturing concern dispense such property or manufactory from paying any assessment during a period not exceeding ten years. Agreement with manufacturing companies for commutation of taxes. Exemption.

93. Whenever the said city council shall contract loans upon the credit of the said city, they shall be bound and they are hereby required immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Duties to provide for the payment of interest.

province, and the said council shall set aside a portion of their revenues for the payment of such interests, and the said council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a sinking fund, which shall consist of a deposit made in the hands of the treasurer of the province, annually, at the periods when the interests on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the sinking fund shall remain deposited in the hands of the said treasurer of the province, with the interests which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; provided always, that when the interest and sinking fund united shall absorb one half of the annual revenues of the said council, then, and in such case, it shall not be lawful for the said council to contract new loans, it being hereby intended that the said council shall not be entitled to devote to the interest and sinking fund of their loans, any sum exceeding half of their revenues; and provided also, that it shall be lawful for the said council, if the lenders consent or require it, to deposit in the hands of the said treasurer, the annual sums which shall have been agreed upon to form the sinking fund, in which case the receipts given to the said council shall be so drawn up as to define what amount shall have been given for interest, and what amount shall have been paid into the sinking fund.

Power to issue debentures.

**94.** It shall be lawful for the said city council to contract loans by issuing bonds or debentures signed by the mayor, countersigned by the secretary, and sealed with the seal of the city council; such loans made payable to the bearer thereof at such periods as the said council may think proper to fix, and such bonds or debentures shall bear interest, payable semi-annually on the first days of May and November in each year, and at a rate not exceeding the legal rate of interest in the province; coupons for the amount of the semi-annual interest thereon may be annexed to all such bonds or debentures, which coupons, being signed by the mayor, and countersigned by the secretary-treasurer, shall be payable respectively to the holder thereof when and immediately after the semi-annual interest therein mentioned shall become due, and upon payment of the same, shall be delivered to the said secretary-treasurer; and the possession of any such coupon shall be *prima facie* evidence that the semi-annual interest therein mentioned has been paid according to the tenor of such debenture or bond; and all such debentures and bonds together with the principal and interest thereon, shall be secured upon the general funds of the said city.

Coupons.

**95.** Whenever the interest and sinking fund of the loan or loans made by the said city council, shall absorb one-third of the revenues of the said city, the said city council shall, in no case, contract new loans without having obtained the approbation of two-thirds of the majority in number and in value of assessed real property, of the owners and electors of the said city on every by-law authorizing any of those loans, within thirty days after its passing by the council, such approbation to be expressed in a public meeting presided over by the mayor, or, in his absence, by the pro-mayor, the secretary-treasurer acting as secretary, and duly called by notices signed by the mayor or by the secretary-treasurer, published and posted up in the manner prescribed for the publication and posting up of the public notice required by the provisions of this act, for the publication of by-laws; provided always, that six qualified municipal electors present at the said meeting, may demand a poll to establish such majority; and a poll shall be granted by the mayor, or, in his absence, by the pro-mayor, on being so demanded, and shall be held within four days next after such meeting, the secretary-treasurer acting as poll-clerk under the direction of the mayor, or of the pro-mayor, as the case may be; each elector shall then present himself in turn, and shall give his vote by "yea" or "nay," the word "nay" signifying that he disapproves of the by-law authorizing the loan; but no person's vote shall be received unless the name of such person be inscribed on the municipal voter's list then in force, if such list exist, and if there be no such list, no person shall be entitled to vote unless it appears, by the valuation roll then in force in the said city, that he is duly qualified to vote as municipal elector as aforesaid, and unless he has paid all his municipal or scholar taxes at least three clear days before the first day of such voting; provided always, that such poll shall be held on two consecutive days, not being holidays, from ten o'clock in the morning until four o'clock in the afternoon, and at the close of the poll, the mayor or pro-mayor, as the case may be, shall count the "yeas" and the "nays," and within four days thereafter, he shall lay before the city council, a statement shewing the value of the real property of each of the voters, according to the valuation roll then in force, and shall certify, for the information of the city council, whether the majority in number and in value of assessed real property of the electors of the city approve or disapprove of the said loan, and this certificate shall be countersigned by the secretary-treasurer of the city, and preserved by him with the poll list and the aforesaid statement among the archives of his office, and if the said by-law is approved of as afore-

Power of borrowing limited.

Approval of the proprietors, &c., required in certain cases.

Poll.

Mode of voting

Right to vote.

Time and hour of voting. Close of the poll.

Statement of property.

Certificate.

Loans for speculation. said, then the said city council may contract the loan ; provided always, that the said city council, shall not, in any case, have the power to contract loans, by debentures or otherwise, or to dispose of any funds they may have in their possession to take shares in or to come in aid to any railway or others, for the purpose of speculation, or for the purpose of favouring, but indirectly, the said city, unless they shall be thereto authorized by a by-law or by-laws approved of in the manner hereinabove prescribed by the electors, proprietors in the said city.

Power to make by-laws. **96.** The said city council shall also have full power and authority to make by-laws :

Confiscation of bread. 1. For regulating seizure, forfeiture and confiscation, and also the mode of disposing, after confiscation, of all bread offered for sale in contravention of the said regulations, or bread that may be too light or unwholesome ; and to this end to authorize officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of inspecting and weighing such bread, and to do any other act or thing that may be necessary, or that may be deemed advantageous to the public interest and safety, for the attainment of such object, or for causing such regulations to be enforced ;

Water-courses. 2. For regulating and settling the direction of water-courses, running from neighbouring municipalities through the said city, and for compelling interested parties, without the limits of the municipality, to work at the clearing of said water-courses, and to contribute to the cost of the necessary bridges to cover the same.

Consolidated municipal act shall apply. **97.** In relation to the powers conferred upon the said corporation, as to water-courses coming from another municipality, the provisions contained in the Lower Canada consolidated municipal act, and the acts amending the same, respecting the works to be performed by two distinct municipalities, shall be incorporated with this act as forming part thereof.

Fences. **98.** To compel all proprietors of all land and real property within the said city, their agents or representatives to enclose the same ; and to regulate the height, description and material of any such enclosure, and to make foot-ways, if the council should think fit to do so.

Side-walks.

Drainage. **99.** To compel the proprietors or occupants of lots of lands in the said city, to drain or raise such lands, so that the neighbours may not be incommoded, nor the public health endangered thereby ; and in the event of the proprietors of such lands being unknown, or having no repre-

sentative or agent in the said city, it shall be lawful for the said council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said council, in improving such lands, shall remain as a special hypothec on such land, subject to registration.

Expenses made by the council.

**100.** To oblige all proprietors or occupants of houses in the said city, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other articles whatsoever.

Encroachments on the streets.

**101.** To cause to be pulled down, demolished and removed, when necessary, all old and dilapidated walls, chimneys and buildings of any description, that may be in a state of ruin, and to cause to be removed from the streets all sheds, stables, and other out-buildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne.

Old buildings dilapidated or encroaching.

**102.** For the regulating the width of streets to be opened hereafter in the said city, for the regulating and altering hereafter in the said city, the height or the level of any street or side-walk in the said city; provided that if any person suffer real damage by the widening, lengthening or altering the level of any street in the said city, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it.

Width, &c., of streets and side-walks.

Damages.

**103.** For defraying out of the funds of the said city, the expenses of furnishing the citizens with water, and of lighting the city with gas, or in any other manner, and for obliging the proprietors of real property in the said city, to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their premises; provided always, that in all such cases, the expenses of all such pipes, lamps and other necessary works shall be defrayed by the said council; and provided also, that the solidity of the said buildings, on and near to which they shall be placed, shall be in nowise affected, and that any damage that may be caused, shall be paid by the said council; provided always, that no tax shall be levied for such purpose, unless the

Water and gas.

Costs of the work.

Damages.

Proviso:

pipes of the said works shall in case of water come within three hundred yards, and in case of gas within two hundred yards of the property or dwelling liable for taxes or rates for water or gas.

**Tax for common sewers.**

**104.** For assessing the proprietors of all real property situated in any of the streets of the said city, for such sum as shall be deemed necessary, for making or repairing any common sewer, in any of the streets of the said city, such assessment being in proportion to the assessed value of such property, and for regulating the mode in which such assessment shall be collected and paid.

**Sweeping and watering the streets.**

**105.** For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said city, all the citizens residing in such street or public square, in any sum necessary to meet the expenses of sweeping, watering, and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property.

**Damage from riots and tumults.**

**106.** To assess, over and above all other rates specially established by this act, all the citizens of the said city, to meet the expenses of any indemnity which the said council might be obliged to pay to persons in the said city, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said council shall neglect or refuse, within six months after such destruction or damages caused to any property in the said city, to pay a reasonable indemnity, to be established by arbitrators, if one of the parties shall so desire, then the said council shall be liable to be sued for such damage in any of the courts of justice of competent jurisdiction.

**Board of health.**

**107.** For establishing a board of health, and investing them with all the privileges, powers and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or of making such regulations as such board of health shall deem necessary for preserving the citizens of the city from any contagious diseases, or for diminishing the effects or the danger thereof.

**By-laws for that object.**

**Accidents by fire.**

**108.** For the better protection of the lives and property of the inhabitants of the said city, and for more effectually preventing accidents by fire, the said council may make by-laws for the following purposes, that is to say :

**109.** For regulating the construction, dimensions, <sup>Chimneys.</sup> height, and elevation of chimneys above the roof or even in certain cases above the neighbouring houses and buildings ;

For paying out of the funds of the said city any expenses <sup>Fire engines.</sup> that the council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires.

**110.** For preventing thefts and depredation which may <sup>Thefts at fires, &c.</sup> be committed at any fire in the said city, and for punishing any person who shall resist or maltreat any member or officer of the said council, in the execution of any duty assigned to him by the said council under the authority of this section.

**111.** For establishing or authorizing and requiring to be <sup>Enquiring into cause of fire.</sup> established after each fire in the said city, a judicial enquiry into the cause or origin of such fire, for which purpose the said council, or any committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered by any of the members of the said council or of such committee.

**112.** For regulating the manner in which and the periods <sup>Sweeping of chimneys.</sup> of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney-sweeps as the said council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said city to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping <sup>Rates for sweeping.</sup> chimneys, either to the council or such licensed chimney sweeps ; and for imposing a penalty of not less than one <sup>Penalty.</sup> dollar, nor more than five dollars on all persons who shall refuse to allow them to be swept, and whenever any chimney shall be common to several houses, or to be used, by several families in the same houses, the above penalty shall be paid by the proprietor or occupant of such house or part of house.

**113.** For regulating the manner in which ashes or quick <sup>Ashes and quick lime.</sup> lime shall be kept in the said city, and for preventing the inhabitants of the said city from carrying fire in the <sup>Carrying fire.</sup> streets, without necessary precaution, from making a fire in any street, from going from their houses to their yards and out-buildings and entering therein with lighted candles not enclosed in lanterns ; and generally for making such

regulations as they may deem necessary for preventing or diminishing accidents by fire.

Conduct at  
fires.

**114.** For regulating the conduct of all persons at any fire in the said city, and for obliging all the inhabitants of the said city, to keep at all time upon and in their houses, ladders, in order the more easily to arrest the progress of fire.

Persons  
wounded at  
fires.

**115.** For defraying, out of the funds of the said city, any expenses which the said council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wounds, or contracted any severe disease at any fire in the said city, or in assisting or providing for the family of any person in their employ, who shall perish at any fire, or bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said city.

Reward.

Demolition of  
buildings in  
case of fire.

**116.** For vesting in such members of the council, or in the fire inspectors, or either of them, to be designated in such by-laws, the power of ordering to be demolished during the fire, any houses, buildings, out-houses or fences, which might serve as fuel to the fire, and endanger the other properties of the inhabitants of the said city.

Appointment  
of officers.

**117.** For appointing all such officers as the said council shall deem necessary for carrying into execution, the by-laws to be passed by them, in relation to accidents by fire ; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said city ;

Authorizing  
officers to visit  
and inspect  
buildings, &c.

For authorizing such officers as the council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said city, for the purpose of ascertaining whether the rules and regulations passed by the said council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said city, to admit such officers for the purposes aforesaid.

Carters.

**118.** For regulating the rates of charges to be paid to carters, and to license and number the same.

Notice of the  
secretary-treasurer upon  
completion of  
collection roll.

**119.** The secretary-treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose, shall give or cause public notice to be given on the following or subsequent Sunday, and by printed notices in French and in English

posted in conspicuous places in each ward, and by notices in nearest published journal in French and in English, notifying rate-payers that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessment, are required by him to pay the amount thereof, at his office, within the twenty days which follow the publication of the said notice.

**120.** If at the expiration of the said twenty days, there shall be any arrears of assessment, the secretary-treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such persons in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned together with the expenses of the serving of the notice, according to such tariff as the council shall have decided upon.

Demand of arrears.

**121.** If any person neglect to pay the amount of assessments imposed upon him for the period of fifteen days after he shall have been requested to do so as aforesaid, the secretary-treasurer shall levy the said assessments, with costs, by a warrant under the hands of the mayor authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession wherever they shall be found within the limits of the said city, addressed to one of the sworn bailiffs for the district of Ottawa, of the superior court for the province of Quebec, who is hereby authorized to seize and sell the said goods and the chattels in the ordinary manner.

Sale of movables in default of payment.

**122.** In all cases where the persons who shall be rated in respect to any vacant grounds or other real property within the city, shall not reside within the said city, and the rates and assessments payable in respect of such vacant grounds or property shall remain due and unpaid for the space of one year, then it shall be lawful for the said city council, after having obtained a judgment before any court of civil jurisdiction, to sell and dispose of such property, or so much thereof as shall be judged sufficient for the payment of the sum due with costs, by a judicial sale; provided always, that all owners of property sold under the authority of this section shall be allowed to resume possession of the same within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with interest at the rate of fifteen per cent. per annum, thereon, and any necessary outlay which may have been made on the said property by order of the said council in virtue of this act,

Case of absent proprietor of vacant property.

Right of redemption at certain conditions.

on condition however that the said purchaser shall have, kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it, or allowed it to deteriorate; together with the cost attendant upon said sale, and ten per centum, besides interest both on the amount of the purchase money any of the said outlay; and provided also, that if after such sale of property belonging to persons residing out of the city, any surplus shall remain over and above the sum due to the said council, for assessment and costs the sheriff shall pay over such surplus to the city council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said city as a loan, at the rate of six per cent until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

Proviso, as to the surplus revenue of the sale.

Penalties for infraction of by-laws.

Fine and costs.

Imprisonment.

Witnesses.

Actions limited.

Limits of the penalty.

Confiscation.

Taxes and assessments shall be privileged debts.

**123.** If any person shall transgress any by-law made by the said city council under the authority of this act, such persons shall, for every such offence, forfeit the sum specified in any such by-law, with the costs to be allowed by the justice of the peace, who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said justice of the peace, and to be levied on the goods and chattels, the offenders shall be liable to be committed to the common gaol of the district, for a term not exceeding one month, but which may be less in the discretion of the court, and no person shall be deemed an incompetent witness upon any infraction under this act, by reason of his being resident of the said city of Hull; provided always, that the information and complaint of any breach of any order or regulation of the said city council shall be made within one month after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar, nor more than twenty dollars, and that no imprisonment for any such offence, shall, in any case be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said city council; and the said council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets, or in the streets of the said city, and infringing at the same time the by-laws of the said council as regard the weight and quality of such goods, articles and provisions.

**124.** All the debts hereafter due to the said council for all taxes or assessments imposed on movable or immovable property of the said city, shall, by virtue of this act, be privileged debts, and shall be paid in preference to all other debts, and the said city council shall, in all cases of

distribution of moneys, be collocated in preference to all other creditors; provided always, that this privilege shall Proviso : only apply to assessments due for one year and no longer; and provided also, that this privilege shall have its full Proviso : and complete effect without its being necessary to have recourse to registration.

**125.** All the fines and penalties recovered under the provisions of this act shall be paid into the hands of the treasurer of the said city council, and the proceeds of all licenses for the sale of spirituous liquors, and of all other licenses granted under this act; shall form part of the public funds of the said city, any law to the contrary notwithstanding. To whom penalties, &c., shall be paid.

**126.** Before any by-law of the said city council shall have force, or be binding, such by-law shall be published in the French language, and the English language, in one or more newspapers published in the said city, and in default thereof, in the district of Ottawa, and copies of such newspapers, containing any such by-laws, shall be *prima facie* evidence of such publication to all intents and purposes whatsoever. By-laws, &c., to be published

**127.** It shall be lawful for the said city council, from time to time, to borrow divers sums of money for affecting improvements in the said city, for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said city with water, and generally for such purposes as the said council shall deem useful or necessary, subject to the provision of the clause 95. Council may effect loans.

**128.** It shall be lawful for any one of the members of the said city council individually, to order the immediate apprehension of any drunken, or disorderly, or riotous person, which he shall find disturbing the public peace within the said city, and to confine him in some place of confinement, in order that such person may be secured until he can be brought before the mayor or a justice of the peace, to be dealt with according to law. Members of council may order arrest of disorderly persons.

**129.** It shall be lawful for any constable, while on duty, to apprehend and arrest all persons he shall find disturbing the public peace within the limits of the said city, and also every person who shall be found sleeping in any field, vacant lot, highway, yard or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reason, for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any Powers of constables in certain cases.

other place of detention of the said city, in order to the safe keeping of the said person until he shall be brought before the mayor or other magistrate, to be dealt with according to law.

Persons as-  
saulting cons-  
tables in the  
execution of  
their duty,  
how dealt with.

**130.** Every person who shall assault, beat, or forcibly resist any constable or peace officer, or any official of the said council, appointed by virtue of this act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, shall, upon conviction thereof before the mayor or justice of the peace, be liable to a fine of from four to forty dollars, currency, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this act to the contrary; provided always, that it shall be lawful for the said council, or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso :

Properties ex-  
empt from tax-  
ation.

**131.** The following properties shall be exempt from taxation in the city of Hull :

1. All lands and properties belonging to Her Majesty, her heirs and successors, held by any public body, officer or person in trust for the service of Her Majesty, her heirs and successors ;

2. All provincial and federal properties and buildings ;

3. Every place of public worship, presbytery and its dependences, and every burying ground ;

4. Every public school-house, and the ground on which the same is constructed ;

5. Every educational establishment, and the ground on which the same is constructed ;

6. All buildings, grounds and property occupied or possessed by hospitals, or charitable or educational establishments, and is not possessed for the purpose of income ;

Proviso :

7. Every court house and district gaol, and the grounds attached thereto; provided always, that this exemption shall not extend to lots or to other buildings, built upon lots leased or occupied by tenants under the government, in the said city; but such lands belonging to the government or to the ordinance department, occupied by tenants, shall be valued and assessed in like manner as other real property in the said city; and such rates or assessments shall be paid by the said tenants or occupiers thereof.

Properties of  
the crown, let  
to tenants, &c.

Obligation of  
the proprietor.

**132.** The proprietors of the property mentioned in the preceding paragraph, shall nevertheless, be bound to the making and maintenance of roads, streets, water-courses, and ditches, in conformity with the by-laws of the said city

council, and such proprietors shall also be bound to pay any special tax for that purpose, and the compensation for the use of public water, as may be imposed by the said council.

**133** From and after the passing of this act, the said city council shall alone be authorized to grant and deliver certificates for obtaining tavern licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the mayor and the secretary-treasurer of the said council. Certificates for tavern licenses to be granted by council only.

**134** If any action or suit shall be brought against any person, for the recovery of any penalty imposed by this act, or in virtue thereof, such action or suit shall be brought within twelve calendar months next after the act committed, and not afterwards. Prescription of actions.

**135** It shall be lawful for the said city council to order the inspector of the said city, to notify any parties who shall have made, or shall hereafter make, encroachments upon the streets or public squares of the said city, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such person a reasonable delay for the purpose, which delay shall be specified by the said city inspector, in giving his notice, and if such persons shall not have removed such encroachments or obstructions, within the delay specified, the council may order the said inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose, and the said council may allow to the said inspector his reasonable expenses, and recover the same before any court having competent jurisdiction, from any person making such encroachment or obstruction. Encroachments on public streets or squares. Power of the council to oblige persons to remove them. Costs in these cases.

**136** Whoever, having the right to do so, shall open, or cause to be opened any trench in any street of the said city, shall take care to preserve a free and uninterrupted passage through such street, while the works are in progress; he shall fill up the trenches, and replace the pavement and ground in the same condition as that in which they were before the works were began, and without unnecessary delay; he shall cause the trench to be fenced or guarded with lamps or with watchmen during the night, so that the same may not be dangerous to passengers, and in default of so doing he shall incur the penalty provided for in section one hundred and twenty-five of this act. Works on roads. Free passage to be left. Openings to be properly guarded. Penalty.

Penalty for granting false receipt in order to pay less taxes.

**137.** From and after the passing of this act every proprietor or agent who shall wilfully grant a certificate or receipt setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said city such a receipt or certificate falsely representing the value of the rent paid by such tenant in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof before the mayor or a justice of the peace, to a penalty of twenty dollars, currency, or less, according to the judgment of such mayor or justice of the peace.

Penalty.

Council may prevent re-erection of buildings in certain cases.

**138.** It shall be lawful for the said council, whenever any house shall encroach upon any of the streets or public squares of the said city, to prevent the proprietor of such house from rebuilding on the site, occupied by the demolished house, and it shall be lawful for the council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefore, and such indemnity shall be fixed by arbitrators appointed respectively by the said council, and by the party they are desirous of dispossessing, and the said arbitrators, in case of difference of opinion, shall appoint a third; and the said arbitrators, after having been sworn by a justice of the peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Indemnity in that case; proceedings to that effect.

Council may acquire lands for public purposes.

**139.** The said council shall have full power to purchase and acquire, out of the revenues of the said city, all such lots, lands, and real property whatsoever within the said city, as they shall deem necessary for the opening or enlargement of any street, public square or market place, or the reection of any public building, or generally for any object of public utility of a municipal nature.

Forced expropriation for public utility; proceedings in cases of disagreement as to the value of property taken.

**140.** When the proprietor of a lot which the said council shall be desirous of purchasing for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, and shall refuse to appoint an arbitrator to value the same, or in case such proprietor shall be absent from the province, or in case such lot of land shall belong to infants, issue unborn, lunatics or idiots, the said council may apply to the circuit court, sitting in and for the district of Ottawa, or to any other court for the appointment of an

arbitrator by the said court, to make, conjointly with the arbitrator appointed by the said council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third, and when the said arbitrators shall have made their report to the said council at a regular meeting thereof, it shall be lawful for the said council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the prothonotary of the superior court, in and for the district of Ottawa, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such prothonotary, to claim the sum so deposited, it shall then be lawful for the said prothonotary, and he is hereby required to remit such sum to the secretary-treasurer of the said council, to be deposited by him with the moneys of the said city, and such sum will bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said council to any person entitled to receive the same, within three months after a formal notification to the mayor and to the secretary-treasurer of the said city to pay the same; provided always, that it shall be lawful for any party who deems himself injured by the award of such arbitrators to appeal from such award to the superior court in and for the district of Ottawa, and upon a summary petition the said court may settle the value of such lot of land by a special jury to be struck, summoned and empaneled as such juries now are by law and the practice of the said court, and thereupon render such judgment as to law and justice shall appertain.

Right of appeal if the person exprop. deems himself injured.

**141.** Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list, opposite the name or designation of such office, that is to say:

1. The office of mayor, thirty dollars currency; Mayor.
2. The office of alderman, twenty dollars currency; Alderman.
3. Whenever the valuator neglects to make the valuation which they are required to make under this act, or neglect to draw up, sign and deliver the valuation roll containing such valuation, to the secretary-treasurer of the council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency, for each day which shall elapse between the expiration of the said period of two months and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed. Valuators neglecting their duties.

Penalties for refusing to perform things required.

**142.** Every member of the council, every officer appointed by such council, every justice of the peace, and every other person who shall refuse or neglect to do any acts or perform any duty required of or imposed upon them by this act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency.

Penalty for voting without qualification.

**143.** Every person who shall vote at any election of aldermen, without having at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not less than twenty dollars.

Inspectors neglecting duty.

**144.** Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this act or by the bye-laws of the council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence.

Penalty.

Persons defacing notices, &c.

**145.** Every person who shall wilfully or maliciously tear down, injure or deface any advertisement, notice or other document required by this act, or by any by-law or order of the said council, to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalty.

Penalties how recovered.

**146.** All the penalties imposed by this act, or by any by-law made by the council, may be recovered before the magistrate's court of the county of Ottawa, or before the circuit court for the district of Ottawa, or before any justice of the peace residing in the said city, all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing be condemned with cost of suit, in accordance with the tariff of the court in which the said suit was instituted.

Costs.

Moneys, &c., of former municipalities transferred to the city.

**147.** All moneys, debts, privileges, actions, assessments, rights and claims which belong to the county council of Ottawa, or to the municipality of the township of Hull, shall become and be the moneys, debts, privileges, actions, assessments, rights and claims of the corporation of the city of Hull, in so far as they shall affect the property included within the limits of the said city but no further.

By-laws concerning roads, &c.

**148.** The council shall have power to make by-laws for the opening, construction, maintenance, at all seasons of the year, and for the straightening of the streets, roads, bridges, cause-ways, ditches, wharves, and of all public

works whatsoever, under their control, within the limits of said city; the ground used for streets and roads shall be the property of the municipality. Ground for street.

**149.** The council at any one of its sittings, shall divide the area of the said city into inspector's wards, and shall sub-divide the said wards into sections, and appoint such number of inspectors as they shall think proper in each ward. Division into inspector's wards.

**150.** Besides the duties that may be imposed on them by the council, the inspectors shall be bound, each one in his own ward, to superintend, at all seasons of the year, the works in and about the roads, bridges, cause-ways, fences and ditches, under the control of the council, whether the said works are being executed for the first time or being repaired only. Duties of inspectors.

**151.** Every inspector, in his district, shall have power, and it shall be his duty to cause to be removed every description of public nuisance, existing either in the roads or elsewhere, and it shall be the duty of each inspector to execute or cause to be executed punctually, all orders relating to the said works given to him by the inspector of the ward. Inspectors shall cause nuisance to be removed.

**152.** Any person who is bound, either in virtue of a *procès-verbal*, or in virtue of this act, or of any by-law of the council, to the maintenance, repairing or construction of any roads, bridges, ditches or fences within the limits of the said city, who, after having been required by the inspector of the ward, shall refuse or neglect to perform labour on or about the said roads, bridges, ditches and fences, and to do any other work that may be required of him, as aforesaid, shall be subject to a fine of two dollars for each offence, and the said fine shall be recoverable before any justice of the peace of the said city, in accordance with the usages and ordinary practice in such proceedings, or before the circuit court for the district of Ottawa, or in any other court of competent jurisdiction. Penalty on persons bound to road work and refusing to perform it.

**153.** Whenever works which ought to have been done, or material which ought to have been furnished on or for any road, bridge or street, on account of any lot, or by any person whomsoever, have not been done or furnished after the proprietors of the lot of the said person have been notified to that effect by the inspector, the inspector may himself do the work or furnish the materials, and recover the value of the said work done or materials furnished, by an action in the circuit court, or any other court of competent Inspector may perform road-work in default of person bound to do it. Recourse.

jurisdiction for the district of Ottawa, together with the sum of two dollars as a penalty and costs.

Front roads. **154.** If there be no valid *procès-verbal*, by-law, or order to the contrary, the front road of each lot shall be made, repaired and maintained by the proprietor, tenant, or occupant.

Present *procès-verbaux*, &c., to remain in force until altered. **155.** Any *procès verbal*, by-law, or order relating to any road, bridge, street or ditch, in force when this act takes effect, shall continue in force until amended or repealed by the said council, by a *procès-verbal* or by-law, which the said council is hereby authorized to make, observing all the enactments and formalities which the said council shall deem it expedient to prescribe.

#### THE RECORDER'S COURT.

Recorder's Court. **156.** There shall be a court of record in the said city, to be called "Recorder's Court of the City of Hull."

By whom held. **157.** The said court shall be held by the recorder, to be appointed as hereinafter provided.

Its jurisdiction. **158** The said court shall have exclusive jurisdiction over, and shall hear and determine summarily :

City taxes. **159.** Any action brought by the corporation of the said city, 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 or resolution now in force in the said city, or that may hereafter be passed by the council of the said city.

Market dues. **160.** 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 city, in virtue of any by-law now in force, or to be hereafter passed by the council of the said city; or for any tax, duty or impost, now, or to be hereafter imposed and levied in and upon the public markets or private butcher's stalls in the said city.

Water rates. **161.** Any action for the recovery of any water rate, or any sum of money due whatsoever that may be due and payable to the said corporation for any supply of water given or furnished from the Hull water works, to any house or building, or given or furnished to or for the use of any person in the said city; or for the introduction of any

pipe or pipes from the said works into any house or building in the said city, or the enlarging, extending, repairing, altering, removing or draining of any such pipe or pipes, in such house or building, or at the instance or for the use or benefit of any person in the said city.

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

**163.** The said recorder's court shall also have summary jurisdiction in cases of lease, use, and occupation of stalls, markets, cattle stands or other immovable 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. Leases of stalls.

**164.** And the said court and the said recorder shall have 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. Jurisdiction.

**165.** The said recorder's court shall also have concurrent jurisdiction with the circuit court, or with any judge of the superior court in the district of Ottawa, as to matters between lessors and lessees, and may act in virtue of the act of consolidated statutes for Lower Canada, chapter forty, intitled: "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 committing waste upon the premises or part 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 said 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 competence of the said 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 said city; and the law-stamps which would require to be affixed to proceedings of the nature of those mentioned in this sub-section in the Relations between lessors and lessees. Powers limited Law stamps.

circuit court, shall be affixed to such proceedings before the recorder's court.

Offences  
against chap.  
102, C. S. L. C.

**166.** The said court may take cognizance of and determine in a summary manner, all offences against the provisions of the act 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 said city; and, also :

Recovery of  
fines, &c.

**167.** Any suit for the recovery of fines or penalties imposed in virtue of any act or by-law now in force in the said city, concerning the markets in the said city, or any suit for the recovery of any fine or penalty imposed by this act or by any by-law of the said 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 the code of  
procedure ap-  
plicable.

**168.** 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 the civil procedure of Lower Canada, as amended by subsequent acts, shall apply *mutatis mutandis* as the case may be, to the recorder of the said city, and to the said recorder's court.

Delay of sum-  
mons.

**169.** The delay of summons in the case of seizure by garnishment after judgment (*saisie-arrêt après jugement*), shall be the same as that in ordinary civil actions issued by the recorder's court.

When the  
court shall sit.

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

Eligibility of  
the recorder.

**171.** 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 Ottawa;

His salary.

His salary shall not be more than eight hundred dollars per annum, and shall be payable monthly out of the funds of the said city.

May appoint a  
deputy.

**172.** The said 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 said recorder's court, appoint some fit and proper person, being an advocate of the said province, of not less than years standing, to be and act as his deputy in the event of his

illness or necessary absence from the city, 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.

**173.** 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, hold, use, occupy, possess and enjoy, and be vested with all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the recorder for the said city, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid; provided, nevertheless, that the said 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 city be deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.

His powers.

Proviso :

**174.** 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.

Case of death of recorder.

**175.** The clerk of the said recorder's court shall be appointed by the council of the said city, during pleasure.

Clerk of the court.

**176.** 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 said recorder's court, and entered in the register thereof, appoint one fit and proper person, to be and act as his deputy in the discharge of all and every his duties as clerk of the said recorder's court, and remove any person so appointed, and appoint another in his stead.

May appoint a deputy.

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

Duties and powers of deputy.

**178.** The clerk of the said court shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued by the said court.

Duties of the clerk.

**179.** He shall conduct, in behalf and in the name of the plaintiffs or prosecutors, when such plaintiffs or prosecutors are the corporation of the said city of Hull, all cases and suits cognizable by and within the jurisdiction of the

Shall represent the corp. before the court.

said court, except in cases where the said corporation shall deem it expedient to appoint an attorney, or to associate him with counsel.

Oath of office of clerk and deputy.

**180.** The said clerk and his deputy, shall respectively take an oath of office, before the said 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 of proceedings.

**181.** 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.

What records of proceedings shall suffice.

**182.** It shall not be necessary for the clerk of the said 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 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 complaint, 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.

Proviso:

Death of the clerk.

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

Form of writs, &c.

**184.** Every summons, order, writ or warrant of any nature whatsoever, issued, out of, or by the said court, shall run and be in the name and style of Her Majesty, her heirs or successors, and they shall be signed by the clerk of the said court.

Written complaint not requisite in certain cases.

**185.** In all cases tried for drunkenness, or where a person shall be arrested on view by a police constable of the said city for an offence against the provisions of the act, 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 said city, it shall not be necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the said recorder's court, by the constable who shall have arrested such person, shall be deemed a sufficient complaint.

**186.** If such person demand that the complaint be reduced to writing, the said court shall direct the clerk of the said court to reduce the said complaint to writing. Complaint to be written if demand.

**187.** The said 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 out 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 said defendant; but no service shall be valid after five of the clock in the afternoon. Court may summon offenders. Allegations. Services.

**188.** In any civil action 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. Delay.

**189.** If any person summoned to appear before the said court, either for any debt or claim, or for the commission of any offence, as aforesaid, does not appear either in person or by his 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. Default to appear.

**190.** 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. If defendant appears.

**191.** 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 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 aforesaid, if the defendant pleads guilty, the court shall declare the defendant convicted. If he confesses judgment.

**192.** 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. Delay on confession of judgment.

Power on witnesses.

**193.** The said 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.

Faits et articles, oaths, &c.

**194.** The said court may permit and require *interrogatoires sur faits et articles* or the *serment décisoire* or *judiciaire* to 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.

General powers of the court

**195.** 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 said province of Quebec.

Evidence.

**196.** In any civil action, the said 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.

Who may be witness.

**197.** In any civil action or proceedings, or in any prosecution or complaint for any offence committed against any by-law of the said city, or against the provisions of any of the acts hereinbefore cited, any member of the council of the said city, or any employee, officer or servant of the said 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.

Proviso:

One witness sufficient.

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

Depositions.

**199.** 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.

Maintenance of order.

**200.** The said court shall cause order to be maintained during its sittings, and may punish, by fine or imprisonment, any person guilty of contempt of the said court, during the sittings and in the presence of the said court.

**201.** The council of the said city shall appoint, from <sup>Bailiffs.</sup> time to time, by resolution, a sufficient number of persons competent to fulfil the duties of bailiffs of the said recorder's court, and the said council may dismiss such persons at any time, and appoint others in their stead.

**202.** Upon such appointments being made, the mayor of <sup>Their commis-</sup> the said city shall issue commissions appointing such persons bailiffs of the said court, under the seal of the city, and signed by himself, and by the clerk of the said city.

**203.** Every such bailiff shall take an oath of office in the <sup>Oath of office.</sup> said recorder's court.

**204.** Every said bailiff, the bearer of a writ of summons, <sup>Returns of</sup> or writ of execution, or any other writ issued out of the <sup>bailiffs.</sup> said court, shall make returns, under his oath of office, of all proceedings taken by him in relation to said writ, and such return shall suffice for all purposes whatsoever.

**205.** The service of any summons in case of prosecutions <sup>Proof of ser-</sup> for offences as above mentioned, shall be proved in open <sup>vices.</sup> court by the bailiff, constable, or peace officer, who shall have made such service, and the services of summonses to witnesses, or of any other order of the said court requiring to be served, shall be proved in the same manner.

**206.** The execution of any judgment rendered in any <sup>Execution of</sup> civil action, as above mentioned, shall be levied by the <sup>judgments.</sup> seizure and sale of the goods, movables, and effects of the defendant.

**207.** No writ of execution shall be issued until the ex- <sup>Delay.</sup> piration of eight days after the day on which judgment shall have been rendered.

**208.** The bailiff, the bearer of the writ of execution, <sup>Execution of</sup> shall proceed to the seizure and sale, in the manner pre- <sup>writs.</sup> scribed and practiced in cases of seizure and sale under execution issued by any ordinary court of civil jurisdiction in the province of Quebec; subject, however, to the provisions contained in sections eighty-nine, ninety and ninety-one of this act.

**209.** If the property of the defendant is already under <sup>If there be a</sup> seizure in virtue of any writ of execution issued by any <sup>previous sei-</sup> other court, in such case, the bailiff, the bearer of the writ <sup>zure.</sup> of execution issued by the said recorder's court, shall not make any seizure, and, upon production to him of the <sup>Deposit of the</sup> *procès-verbal* of the said seizure, he shall hand over the <sup>writ,</sup>

writ issued by the said 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 such deposit.

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

In case the defendant has no movables, &c.

**211.** In case the defendant does not possess any goods or chattels within the district of Ottawa, or in case they are not sufficient to satisfy the amount of the judgment obtained, or in case, after the sale of the said goods and chattels of the defendant, a balance on such judgment still remains due to the said corporation, in all such cases, if the sum due exceeds fifty dollars, and the defendant possesses any immovable property, lands or tenements within any district in the province of Quebec, there the said recorder's

Writ *de terris*.

court may issue a writ *de terris*, signed as aforesaid, and addressed to the sheriff of the district in which such immovable property is situated.

Where returnable.

**212.** The said writ shall be returnable into the superior court for the district of Ottawa.

Duty of the sheriff.

**213.** 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 said superior court, as hereinbefore provided.

Uterior proceedings.

**214.** And all ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary to the execution thereof, as well as 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 said superior court, in the same manner as if the said action had be originally brought and determined in the said superior court.

*Saisie-arrest* after judgment.

**215.** The said recorder's court may issue writs of *saisie-arrest* after judgment in the same manner as the ordinary courts of civil jurisdiction, and shall follow in relation thereto the rules and procedure prescribed in such courts as regards the issuing of the writ, the return and judgment in matters of *saisie-arrest*.

**216.** The recovery of all fines adjudged in the said recorder's court, shall be proceeded with, in pursuance of the by-law imposing such fine, by writ of *saisie-exécution* 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.

Recovery of  
fines.

Imprisonment.

**217.** In any suit, action or prosecution brought by the said corporation, in the said 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.

Act or by-law  
need not be  
cited, &c.

**218.** The said council may make and settle a tariff of the fees, which may be exacted by the clerk and bailiffs, and change the said tariff, from time to time; but neither the said 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.

Tariff of fees,  
made by the  
council.

**219.** The said 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 said city; 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 said city, 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 said court, or by the said recorder, or by any justice of the peace for the said district of Ottawa.

When the  
court may be  
held.

**220.** The police of the said city, or any other peace officer or constable, may bring before the said court, or before the said 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 said recorder's court, or the said recorder, may judge and determine.

Powers of  
Police.

**221.** The said recorder's court shall have power of proportioning the punishment to the gravity or frequency

Punishment of  
offences by the  
court.

of the offence, within the limitations mentioned in this act, and in the acts for the government of the said city.

Mode of prosecution for certain offences in contravention to by-laws.

**222.** The said council, in all cases of offences for the commission whereof fine or imprisonment is imposed by any by-law of the said 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 and penalties, &c., how recovered.

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

Imprisonment.

If the offender be a corporation, &c.

**224.** 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 said court, and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Liability of joint-owners, &c., in certain cases.

**225.** Any joint-owner or occupier of any lot, house, building or other real property in the said city, complained of for violation of any by-law of the said council now or hereafter to be in force, bearing upon such joint-owner or occupier, or upon the said 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 said council, may be sued alone or conjointly with his co-owners or co-occupiers, in the said recorder's court, as may be deemed advisable, as also any agent of the said joint-owner or occupier; and in the suit to be instituted, it shall be sufficient to mention the name of such joint-owner, or occupier, or of such agent, with the addition of the word, "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.

**226.** And the said corporation, or any municipal elector <sup>Who may bring the suit.</sup> may institute any proceedings for that purpose in the name of the city of Hull, as provided in the next section.

**227.** Any action instituted by the said corporation in <sup>Suits to be in the name of the corporation.</sup> virtue of this act, or any act or by-law relating to the said city, for the recovery of any tax, duty or assessment or of any fine, shall be brought in the recorder's court in the name of the city of Hull.

**228.** All fines sued for and recovered in the said recorder's court, under and by virtue of this act, or any other act or statute now in force or to be hereafter passed in relation to the said city, shall belong to and form part of the general fund of the said city, unless otherwise provided in such statute. <sup>Application of fines.</sup>

**229.** To the council alone shall appertain the right of <sup>Council can remit fines.</sup> remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine.

**230.** This remission shall be made, in each case, by a <sup>In what manner.</sup> simple resolution adopted by the majority of the council, on a petition presented to the said council to that effect, accompanied by recommendation of the judge or magistrate who shall have imposed the fine, the said petition presented by the person asking such remission, and not otherwise.

**231.** Any member or officer of the said council who <sup>Penalty.</sup> shall infringe the provisions of any of the two next preceding sub-sections, shall incur a fine not exceeding twenty dollars for each offence.

**232.** Any remission of any fine or costs, in violation of <sup>Any other remission null.</sup> the provisions of this section, shall be considered as null and of no effect.

**233.** Whenever in the present or any other act relative <sup>Imprisonment and where held to be.</sup> of the said city, or in any by-law, rule or order as aforesaid, imprisonment is imposed, such imprisonment shall be presumed and held to be in the common gaol of the district of Ottawa.

**234.** The recorder's court may use its discretion in <sup>Costs.</sup> awarding or withholding costs, or ordering each party to pay his own costs.

**235.** In any action, proceeding or complaint by the said <sup>Certain allegations dispensed with.</sup> 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.

Errors in the  
write of sum-  
mons may be  
corrected.

**236.** 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.

Municipal Code  
shall apply.

**237.** The municipal code shall apply to the said corporation of Hull on all subjects not provided for by this act.

Coming in  
force.

**238.** This act shall come into force the day of its sanction.

C A P . L X X X .

An Act to incorporate the Quebec Society for the Prevention of Cruelty to Animals.

[Assented to 23rd February, 1875.]

Preamble.

**W**HEREAS certain persons have, by petition, set forth, that a society for the prevention of cruelty to animals is urgently needed, and have further represented that such a society would be greatly aided by an act of incorporation, and have prayed, that they and their successors be incorporated, under the provisions hereinafter mentioned; Therefore, Her Majesty, by and with the consent of the Legislature of Quebec, enacts as follows:

Certain persons  
incorporated.

**1.** W. Marsden, M. D., Robert Hamilton, John C. Thomson, J. Dinning, S B. Foote, H. S. Scott, Hon. P. Garneau, Col. J. B. Forsyth, S. Moore, W. J. MacAdams, A. Watters, W. Hossack, Adolphe P. Caron and A. Robertson, and such other persons as may be associated with them, in conformity with this act, and their successors, are hereby constituted and created a body corporate, with all the rights incident to corporations, by the name of "The Quebec Society for the Prevention of Cruelty to Animals."

Name of corp.