

done, or materials provided by him in the ordinary and customary work of a dentist.

22. Nothing in this act shall interfere with the privileges conferred upon physicians and surgeons by the various acts relating to practise of medicine and surgery in this province. Physicians &c. not affected.

23. For services performed by all licentiates within this province the same privileges are hereby conferred upon them as are conferred upon physicians and surgeons by the seventh paragraph of article 2260 of the civil code of this province. 2260 C. C. § 7 to apply.

C A P . L X X .

An Act to amend the Acts relating to the Corporation of the city of Montreal, and for other purposes.

[Assented to 5th April, 1869.]

WHEREAS the corporation of the city of Montreal have, by their petition, represented that it has become necessary, in the interest of the citizens of the said city, to make several alterations to its Acts of incorporation, and to introduce certain reforms and modifications in the municipal administration of the said city; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows: Preamble.

ELECTIONS.

1. Any person who, at any election of a mayor, or councillor, or councillors for the said city, or for any ward thereof, shall unlawfully attempt to vote, with the certificate of another elector, may, and shall be liable to be arrested on view by any justice of the peace for the said city of Montreal, or by any peace officer or constable, present at any such election, or by warrant of any justice of the peace, and so arrested to be committed to safe custody, or confined in the common gaol of the district of Montreal, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested, that they shall duly appear and answer to any charge that may be made against them, as aforesaid; and each and every such person, on conviction of the said offence, shall forfeit and pay a fine or sum of money not exceeding one hundred dollars, current money of this province, and in default of immediate payment shall be liable to an imprisonment not exceeding three months in the common gaol or the house of correction of Arrest &c of persons illegally voting. Penalty, etc.

the said district, for each and every such offence unless such fine shall be sooner paid.

TAVERN LICENSES.

Certificate may be signed by only 25 persons.

2. The certificate required by the eleventh section of chapter six of the consolidated statutes for Lower Canada, for obtaining a license, may be signed by twenty-five domiciled municipal electors of the ward of the said city for which such license is asked instead of fifty as heretofore.

Board of chairmen to grant certificates;

3. The board of chairmen of committees established by the tenth section of the act passed in the thirty-first year of Her Majesty's reign, chapter thirty-seven, may, at the expiration of the delay fixed by the twelfth section of the last cited act, grant certificates which the parties interested may file, as prescribed by the eleventh section of the said act, at all times, from and after the fifteenth of March of each year, as specified in the said eleventh section; and the said board shall exercise their functions during the whole year, and, to that effect, shall sit once every month, to consider such certificates, and to confirm or reject the same at their discretion; and when any such certificate shall have been confirmed, the revenue inspector shall issue to the bearer thereof a license.

31 V. c. 37.

And may revoke the same;

4. Power and authority are also conferred upon the said board of chairmen of committees, on complaint of the police or any five proprietors of the ward in which a license may be in force, to revoke and annul the certificate upon which such license shall have been granted; and the revenue inspector, when notified to that effect by the city clerk, shall annul the said license.

And may adjudicate upon transfers of license;

5. The said board of chairmen shall have power to adjudicate upon the conveyance or transfer of a license from one person to another, or from one place to another, within the limits of the said city, and the revenue inspectors shall give effect to such decision; and the said board shall also, solely and exclusively, exercise the right of remitting such part of any fine imposed by the recorder's court for infraction of the law on licenses as may belong to the said city.

And may remit fines.

Majority of board necessary.

6. No resolution adopted by the said board of chairmen in pursuance of the next preceding third, fourth and fifth sections, shall be valid unless the same shall have been sanctioned by the vote of the majority of the members constituting the said board.

STOCK, DEBENTURES, &c.

Stock &c., may be transferred by endorsement.

7. To facilitate transactions in the stock, shares and debentures of the city of Montreal, consolidated fund or in any of the loans which the council of the said city are, by

law, authorized to make, it is enacted that the said stock, shares or debentures may be validly transferred and made over by means of endorsement in conformity with schedule A, annexed to the present act; provided that any sum of money paid to the bearer of any such certificate for interest accruing on the stock represented by such certificate shall be endorsed on the said certificate.

8. The second section of the said act thirty-first Victoria, chapter thirty-seven, is hereby amended, and the interest to be paid by the said city of Montreal on the shares, stock and debentures to be issued hereafter, shall not exceed, but may be less than seven per cent, and the principal and interest of the said shares, stock and debentures may be made payable either in this province or elsewhere, and in the current money of Canada, or, in that of the place, where the said principal and interest shall be payable.

Sec. 2 of 31 V.
c. 37 amended.

EXPROPRIATIONS.

9. The right of opposition, conferred in and by section eleven of the act passed in the twenty-ninth and thirtieth Victoria, chapter fifty-six and by section nine, of the thirty-first Victoria, chapter thirty-seven, upon the majority of proprietors interested in an improvement, resolved upon by the city council of the said city, shall not apply to expropriations for improvements as laid down on the general plan of the city of Montreal, when such improvements only affect new or projected streets, as fixed and determined upon such general plan of the city of Montreal, and not already in actual possession of the said city, when and so soon as the said plan shall be homologated and confirmed by the court according to the provisions of twenty-seventh and twenty-eighth Victoria chapter sixty, and the owners of real estate through whose property such new or projected streets are laid down shall have no claim whatsoever against the said corporation for rights of servitude, accruing from the fact of such projected street being run through their property; Provided that nothing herein contained shall be construed so as to affect the right of opposition which now exists as to the enlargement or widening of old streets, which right of opposition shall remain in full force with regard to the widening or enlargement of such old streets.

Sec. 11 of 29,
30 V. c. 56
and sec. 9 of
31 V. 37 not to
apply in cer-
tain projected
streets, after
homologation
of city plan.

Proviso.

10. When there shall remain, after expropriation of part of any real-estate, a depth not exceeding thirty feet, the proprietor, usufructuary or administrator thereof may compel the corporation of the said city to acquire the same, for such price per foot as the commissioners of expropriation, may determine, in reference to such residue, by the said proprietor, usufructuary, or administrator giving to the said city clerk, on or before the day fixed for the com-

When expro-
priation leaves
less than 30
feet, owner
may compel
corporation to
purchase.

missioners to proceed to the valuation, notice of such his intention to sell and give up such residue as aforesaid.

Prothonotary to pay over to city treasurer interest on indemnities deposited.

27. 28 V. c. 60. Proviso.

11. The prothonotary of the Superior Court shall henceforth pay and remit to the city treasurer of the said city, all interest and revenue arising from the different sums of money deposited by the said city in the hands of the said prothonotary as indemnity in virtue of the twenty-seventh and twenty-eighth Victoria, chapter sixty, provided always that the poundage commission and percentage on the said sums of money shall be retained by the said prothonotary as is now provided for by law; and all sums so deposited shall immediately after their receipt be placed by the prothonotary in a separate account at interest in one of the chartered banks doing business in the city of Montreal.

Qualification of commissioners of expropriation.

12. No person shall be capable of fulfilling the duties of commissioner of expropriation, unless such person be assessed and rated in the general assessment roll of the said city, as proprietor of one or more real estate, of the aggregate value of at least ten thousand dollars currency.

Rolls of assessment may be annulled and others ordered by Superior Court, &c.

13. When a special roll of assessments, or any other assessment whatsoever made by the assessors of the said city, or the commissioners of expropriation, or any municipal officer whatsoever, to defray the costs of any improvement or work executed in the public interest, shall be defective, or shall be rejected and annulled by the Superior Court, or by the Circuit Court, or the recorder's court, or by any judge of the said courts, as the case may be, it shall be the duty of the said assessors, or of the said municipal officer, or their successors in office, or of the commissioners, as the case may be, to proceed to make out a new roll of assessment or a new apportionment, in order that such improvement or work, as aforesaid, may be paid by the parties interested, when the council of the said city shall have so determined; Provided always, that this section shall not have the effect of rendering valid any such assessment roll, which may be defective by reason of the illegality of the resolutions of the council, upon which such roll is based; and provided also, that said commissioners be appointed as follows: one shall be named by the corporation, one by the parties mentioned in the roll of assessment set aside and the third by a judge of the Superior Court, and in case of the failure on the part either of the parties interested or of the said corporation to select an arbitrator within ten days after proper notice shall have been given to make such selection, the said arbitrator shall be appointed by a judge of the Superior Court.

Proviso.

Proviso; mode of appointment of commissioners.

RECORDER'S COURT.

Name in which **14.** And whereas doubts have been entertained as to the

mode of proceeding before the recorder's court of the city of Montreal in prosecutions instituted against parties for selling spirituous, vinous or fermented liquors, without license, and as to the precise meaning of the third section of twenty-ninth Victoria, chapter fifty-eight, enacted to simplify the procedure in relation to the said prosecutions; be it enacted that prosecutions for the said offence may be instituted by and in the name of the mayor, aldermen and citizens of Montreal; and one third of all penalties in all such prosecutions shall be paid to the treasurer of the province of Quebec.

certain prosecutions may be instituted.

Sec 3 of 29 V. c. 58.

One third of penalties to go to treas. of the prov.

45. In default of immediate payment of the fine imposed for the said offence and payable to the prosecutors, and costs thereby incurred, the defendant may be imprisoned under a warrant of commitment of the said recorder for a period of not less than two months and not exceeding six months in the common gaol of the district of Montreal, as may be deemed expedient; but the defendant may at any time obtain his liberation from such imprisonment by making full payment to the said prosecutors of the said fine and costs whether incurred before or after conviction.

Imprisonment in default of fine.

46. No keeper of a tavern, dramshop, saloon or other house or place of public entertainment in the said city, whether licensed or unlicensed, shall keep open such tavern, dramshop, saloon or other house or place of public entertainment, or shall permit tipping or drinking of intoxicating liquor therein, after the hour of ten o'clock at night and before the hour of five o'clock in the morning, between the twenty-first day of March and the first day of October, and after the hour of nine o'clock at night, and before six o'clock in the morning, from the first day of October and the twenty-first day of March; and upon conviction of such offence, such keeper of tavern, dramshop, saloon, or other place of public entertainment as aforesaid, shall be liable to a penalty of not less than ten nor more than twenty dollars, and the costs of the prosecution, and, in default of immediate payment of the said fine and costs, to an imprisonment of not less than one nor more than two months, unless the said fine and costs shall be sooner paid.

Taverns, &c., to be closed between certain hours.

47. In addition to the power already accorded to the council of the city of Montreal, in and by its act of incorporation and the several acts of amendment thereof, to enforce the observance of the by-laws of the said council made under and by virtue of the said acts, for the purposes in the said acts expressed, it shall be lawful for the said council to impose, in and by such by-laws, a fine not exceeding twenty dollars and costs of prosecution, to be forthwith leviable on the goods and chattels of the defendant; or to enact that in default of immediate payment of the

Additional power to enforce by-laws by fine or imprisonment or both.

said fine and costs, the defendant may be imprisoned in the common gaol, for a period not exceeding two months, the said imprisonment to cease upon payment of the said fine and costs; or to impose the said fine and costs in addition to the said imprisonment.

Punishment of persons frequenting disorderly houses.

18. All persons being found in houses of ill-fame or disorderly houses, and not giving a satisfactory account of themselves, shall be deemed loose, idle and disorderly persons, and upon conviction of the said offence, shall be condemned to pay a fine not exceeding twenty dollars and costs of prosecution, and in default of immediate payment of the fine and costs, shall be imprisoned in the common gaol, with or without hard labor, for any period not exceeding two months, unless the said fine and costs shall be sooner paid.

Preceding sections and secs. 14 & 15 of 31 V., c. 37, not to apply to criminal matters.

19. The five preceding sections, and sections fourteen and fifteen of the thirty-first Victoria, chapter thirty-seven, shall not be deemed to apply to any matter of criminal procedure before the said recorder's court.

LOANS.

Authority to effect the "Mount Royal Park Loan."

20. It shall be lawful for the corporation of the said city, to borrow a sum not exceeding three hundred and fifty thousand dollars currency to be designated as the "*Mount Royal Park Loan*" for the purpose of acquiring and establishing a public park on and in the vicinity of the mountain of Montreal, of the extent shewn and of the form delineated in green in a certain lithographed copy drawn and made by one John Johnston, in november 1867, of a certain plan of said park, drawn by Mr. McQuisten, city surveyor, said lithographic copy being filed in the office of the clerk of the legislative council to remain of record for all the purposes of this act, copies of which in full or on a reduced scale certified by the said clerk shall be deemed authentic for all legal purposes; and the said corporation are authorized to issue, under the signature of the mayor and the seal of the said corporation, bonds or debentures to the amount of the said sum of three hundred and fifty thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding seven per cent per annum, payable on the first day of May and on the first day of November in each year, and the said bonds or debentures may be issued from time to time for such amount as may be deemed expedient, and shall, as regards the principal as well as well as the interest, be secured by special mortgage, by and upon the real estate acquired for the said park; and also by and upon the works to be constructed thereon; and all the extent of

And to issue \$35,000 of debentures for that purpose.

Debentures to be a mortgage on the park.

land described on the said plan and delineated as aforesaid and required for the purposes of the said park, shall form part of the city of Montreal, and be deemed to be within the limits of the said city for all municipal purposes, and all the powers by law vested in the corporation of the said city relating to expropriation shall apply to the said extent of land.

20. The council of the said city are hereby authorized to levy, by means of a special assessment, to be made every year, until the paying off of the debt created for such loan, on all real estate situated within the limits of the said city, a sum sufficient to cover the interest on the said loan and the sinking fund created to pay off the same. The said council shall also have the power to sell a portion of the ground acquired for the said park as villas around the said park; but the establishment, management and supervision of the said park shall devolve upon and be left exclusively to three competent persons to be chosen and appointed by the said council, as commissioners for that purpose; provided that the quantity of land so sold for villas around said park, shall not exceed in the whole one hundred and fifty acres.

Power to levy money to pay off the loan.

Management of the park, and disposal of part thereof.

22. The commissioners for the valuation of the property required for the said park shall be named as follows:— one by the corporation, one by the parties whose property is to be expropriated and a third by a judge of the Superior Court, and in case of the failure either of the owner of the property to be expropriated or of the said corporation to select an arbitrator within ten days after proper notice shall have been given to make such selection, the said arbitrator shall be appointed by a judge of the Superior Court.

Appointment of valuating commissioners

23. The said park shall be considered a general improvement interesting equally all parts of the city.

Park to be deemed a general improvement.

24. It shall be lawful for the corporation of the said said city, to borrow a sum not exceeding five hundred thousand dollars currency, for the purpose of obtaining a larger and permanent supply of water for the said city, procuring additional storage for water, and extending the water pipe distribution in the said city; and the said corporation are authorized to issue, under the signature of the mayor and the seal of the said corporation, bonds or debentures to the amount of the said sum of five hundred thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at a rate not exceeding seven per cent per annum, payable on the first day of May and the first day of November in each year; and the said bonds or debentures may be issued, from time to time, for such amount as may be deemed expedient, and shall, as regards the principal and the interest, be secured by special

Power to borrow \$500,000 for water works.

And to issue debentures therefor.

Debentures to be a mortgage on the works.

mortgage by and upon the real estate, works constructions, engines, machinery and mechanism of the water works of the said city.

Said loan may be effected in the province or elsewhere.

25. The amounts which the corporation of the said city are authorized to borrow, in virtue of the twenty-sixth and twenty-eighth sections of the present act, may be so borrowed either in this province or elsewhere, in sterling money or in the current money of this province, or in the current money of the place where made payable; and the principal and the interest may be made payable either in this province or elsewhere, and either in the current money of Canada or in that of the place where the said principal and interest shall be made payable: and all the provisions contained in the fourth, fifth and sixth sections of the act thirty-first Victoria chapter thirty-seven, in so far only as they relate to issue of bonds or debentures, their registration and transfer, the establishment of a sinking fund under the responsibility of the treasurer of the said city, and his rights and obligations in that respect shall apply also to the issuing, enregistering, transferring and paying of the bonds or debentures, the issue of which is authorized by the said twenty-sixth and twenty-eighth sections of the present act, and to the establishing of a sinking fund to pay off the said amount; provided however that, to make up the sinking fund on the aforesaid two loans, the treasurer of the said city shall be held and required to set aside and reserve, every year, two per cent, only on such part or portion of each of the said loans, as shall have been issued and negotiated, and not on the total amount of the loan, as required by the last cited act, except when such amount may have been issued in full.

Secs. 4, 5 & 6 of 31 V., c. 37 to apply.

Et viso.

MISCELLANEOUS PROVISIONS.

Sec. 10 of 23 V., c. 72, extended to certain purposes.

26. Among the subjects in connection with the by-laws which the corporation of the said city are authorized by the tenth section of the act of the twenty-third year of Her Majesty's reign, chapter seventy-two, to pass, shall henceforth be included junk stores, wherein bits of brass, lead or iron, pipes, cocks, cord, old furniture, or other like articles, the plantation of trees in the streets or public squares, the sale of milk within the city limits; and the council of the said city shall have full power and authority to license and regulate all such stores as aforesaid, to compel any proprietor within the city limits to plant trees in front of his property, under the direction of the city surveyor, and upon such proprietor failing to comply with such order, to cause such plantation to be made, and to exact the cost thereof from such proprietor; to license and regulate the sale and

Junk stores.

Planting of trees.

Sale of milk.

quality of milk, to authorize its being seized and confiscated for violation of the by-laws, to provide for the inspection of milk and the manner in which the same may be disposed of after confiscation, to authorize to that effect competent officers or persons to enter into any place where milk is sold, and to stop the vehicles in which it is carried, for the purpose of having it inspected, and to adopt such other steps as may be deemed expedient in the interest and for the safety of the public, or to carry out the object in view,—the whole under such conditions and restrictions as the said council may deem advisable to impose in the public interest; and the said council may impose the penalties specified in the thirteenth section of the said act, twenty-third Victoria, chapter seventy-two for infractions of any of the said by-laws.

27. The second subsection of the tenth section of the last cited act, is hereby amended so as to confer upon the council of the said city the right to regulate by by-law the erection, use or employment of steam-boilers in the same manner as the said council is authorized to regulate the erection, use or employment of steam-engines and other machinery and establishments enumerated in the said subsection, and also to provide for the inspection and supervision of the said steam-boilers; and by such by-law, to impose the penalties mentioned in the thirteenth section of the said act, twenty-third Victoria, chapter seventy-two.

32 of sec. 10,
of 23 V. c. 72
amended as
regards steam
boilers.

28. In addition to the rights, privileges and duties now devolving on and exercised by the inspector of buildings of the said city, the council of the said city may, by a by-law to be passed to that effect, authorize him to demolish any building or structure that may endanger the lives of the citizens within the limits of the said city, or to prevent or prohibit the use or occupation of said building or structure, or to do and perform such work or repair that the said inspector may deem necessary to ensure the safety of such building or structure, and to recover the cost of such work or repair from the proprietor.

Demolition or
repair of dan-
gerous build-
ings.

29. All sections of any law incompatible with the provisions of the present act, shall be, and the same are hereby repealed, but in so far only as they are inconsistent with the said provisions, and the present section shall not have the effect of reviving any act or part of an act repealed by the said law.

Repeal of in-
consistent
enactments.

Certificate No. Shares.

CITY OF MONTREAL CONSOLIDATED FUND.

Class.....

Montreal, 18 .

Form of receipt for certificate.

The undersigned being at this date the registered proprietor in the books of the corporation of the Mayor, Aldermen and citizens of the city of Montreal, of share , class of the *City of Montreal Consolidated Fund* amounting to dollars, acknowledges to have received in lieu thereof and in full satisfaction therefor a transferable certificate for share , class , amounting to dollars of the said *City of Montreal Consolidated Fund* and which said transferable certificate is issued under the authority of the act of the legislature of the province of Quebec passed in the year of Her Majesty's reign..... Viet. Cap.....

Witness.

SCHEDULE A.

Certificate No. Shares.

CITY OF MONTREAL CONSOLIDATED FUND.

Class.....

Montreal, 18 .

Form of share certificate.

This certificate will entitle the bearer on presentation and surrender hereof to be inscribed on the Books of the Corporation of the Mayor Aldermen and citizens of the city of Montreal as registered owner of shares, class of the *City of Montreal Consolidated Fund* amounting to dollars: and the interest on the same, payable, at the rate of seven per cent *per annum* semi-annually on the first day of May and November, will only be paid to the bearer hereof.

City clerk
Entered and Registered

Mayor
Folio

City Treasurer.