

C A P . X X X V I .

An act to amend the act of the parliament of Canada, 23 Victoria, cap. 70, respecting interments in a certain Burial Ground in the city of Quebec.

[*Assented to, 24th February, 1868.*]

Preamble.

WHEREAS, the incumbent and church wardens of St. Matthew's Chapel, in the parish of Quebec, have, by their petition, represented that the building used by the congregation of the said chapel is too small for their present requirements ; and that they are desirous that the act of the parliament of the late province of Canada, passed in the twenty-third year of her majesty's reign, chapter seventy, should be so amended as to permit the enlargement of the said chapel ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows ;

23 V. c. 70.

Part of a certain cemetery may be taken to enlarge St. Matthew's Chapel.

1. The section number two of the said act is hereby amended, and the said incumbent and church wardens of St. Matthew's Chapel are hereby permitted to take and apply to the use of the said chapel, so much only of the burial ground, in the said act mentioned, as may be required for the purpose of enlarging the said chapel ; provided that the said incumbent and church wardens shall not appropriate any part of the said burial ground beyond that which shall be actually covered by the building of the said chapel, as enlarged at any future time.

C A P . X X X V I I .

An act to amend the acts relating to the Corporation of the city of Montreal, and for other purposes.

[*Assented to, 24th February, 1868.*]

Preamble.

WHEREAS, the corporation of the city of Montreal have, by their petition, asked for several changes to be made in the provisions of the acts of incorporation of the said city, and that the said corporation are desirous of obtaining more ample powers to make certain alterations in the system followed in the issuing of bonds, their guarantee, and the payment of interest thereon, and of improving the financial condition of the said city by creating a consolidated fund to withdraw the bonds and debentures at present in circulation, and to extinguish and pay off the existing debt and converting it into bonds or securities which may be negotiated to greater advantage, owing to the additional security they will offer to pur-

chasers : Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. A consolidated fund is hereby established for the city of Montreal, to be known as "the city of Montreal consolidated fund," which shall consist of stock or shares and debentures of one hundred dollars each, which the corporation of the said city may dispose of, from time to time, as opportunity offers, to an amount not exceeding five millions of dollars, current money of this province ; and the said stock or shares and debentures shall form three classes, under letters A, B, C, to be composed as follows :

Montreal consolidated fund established.

Fund divided into 3 classes.

1. Class A shall comprise the stock or shares to be known as "the Montreal water works stock," to the amount of three millions of dollars, current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of the water works of the said city, and shall be secured by special mortgage and privilege and without the formality of registration at the registry office, on the real estate, buildings, machinery, apparatus, mechanism and works generally in connection with the water works department.

Class A.

2. Class B shall comprise the stock or shares to be known as "the Montreal public property stock," to the amount of one million of dollars, current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of, public property in the said city, and shall be secured by special mortgage and privilege, and without the formality of registration at the registry office, upon the public markets, fire and police stations, fire alarm telegraph and drill shed, including the land in connection therewith, the old St. Ann's market property lying between McGill, William and College streets, and the public squares in the said city.

Class B.

3. Class C shall comprise the bonds or debentures to be known as "the Montreal terminable debentures," to the amount of one million of dollars, current money of this province, which shall be applied towards the paying off and extinction of the general debt of the said city, and shall be secured by a sinking fund, as hereinafter provided.

Class C.

2. The shares or stock comprised in the two first classes, to wit : "the Montreal water works stock," and "the Montreal public property stock," shall be permanent, in perpetuity and unredeemable ; and the bonds or debentures of the third class, to wit : "the Montreal terminable debentures," shall be payable in twenty-five years from date ; and upon all shares, stock or debentures of the three classes above mentioned, as forming the "city of Montreal consolidated fund," there shall be paid by the treasurer of the said city to each of the subscribers to the said consolidated fund, at the office of the said treasurer, at the city hall of the said city, a uniform interest at the rate of seven per cent every year, semi-annually, on the first day of May and the first day of November.

The shares in A and B shall be permanent.

Certificate to be given to purchasers of shares.

3. Any person who shall subscribe for or purchase one or more shares in the said consolidated fund, shall receive from the treasurer of the said city a certificate to that effect, to be signed by the mayor of the said city, and sealed with the seal of the said city ; which said certificate may be in the form of schedules number one and number two [as the case may be], appended to the present act.

Shares may be realized.

4. It shall be lawful for the said corporation to negotiate the said shares, stock and debentures either in this province or elsewhere, and to pay the interest on the same either in sterling money or in the current money of this province, and to pay off class C, terminable debentures, in like manner.

Stock book.

5. It shall be the duty of the city treasurer to enregister, in a book to be kept for that purpose, all shares, stock and debentures to be negotiated by virtue of the preceding sections, as they are disposed of, and also the name of each individual, person, or firms of persons or corporations, who may have subscribed to any amount of the said shares, stock or debentures ; and when such subscriber or subscribers shall transfer or make over his or their said shares to a third party, such transfer or cession may be made in the form of schedules number three and number four [as the case may be] appended to this act ; and the same shall be entered or registered by the said treasurer, in a distinct book or register to be kept by the said treasurer for that purpose, and to which access may be had by interested parties, on demand ; and such subscriber or transferee last enregistered, as hereinbefore prescribed, shall be held to be *primâ facie* the creditor of the amount of such shares, stock or debentures ; and such shares, stock and debentures are and shall be transferable in manner aforesaid.

Transfer book ; which will be *primâ facie* proof.

Sinking fund for the extinction of debentures under class C.

6. Every year, on or before the thirty-first day of January, the city treasurer shall take from and out of the annual revenues and other funds of the said corporation, and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent on the sum of one million dollars, current money of this province, which said sum of two per cent, every year, the said treasurer shall keep apart from all other moneys, to be invested and applied solely and exclusively as a sinking fund, towards the extinction of the debt created by the realization of the debentures under class C, known as the "Montreal terminable debentures," as hereinbefore provided ; and the said treasurer shall invest the sum thus set apart as a sinking fund in public securities, or bonds of the federal government of Canada, or the local government of Quebec, and not otherwise : provided however the said treasurer may, if deemed advisable by the finance committee of the said corporation, pay off, from and out of the said sinking fund, any sum in deduction of the debt created by the "Montreal terminable debentures" towards the gradual extinction of such debt ; and the said treasurer shall place before the city council, at its first quarterly meeting in the month of March of each year, a certificate signed

Sinking fund how invested.

Duties imposed on treasurer by this section.

by himself and countersigned by the mayor of the said city, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this act, and in default of his so doing the said city treasurer shall become and be liable to pay to the said corporation a fine of two thousand dollars, said currency, which said fine may be exacted in the same manner as all other fines imposed in and by the several statutes concerning the said corporation, and shall form part of the sinking fund aforesaid, and it shall be the duty of the auditor of the said city to submit to the said council annually a statement under oath showing whether the said treasurer has or has not fulfilled all the obligations imposed upon him by the present section.

7. The corporation of the said city shall at all times retain in their hands from and out of the "city of Montreal consolidated fund," a sum equivalent to the amount of their bonds, securities or debentures, then in circulation and issued, in virtue of the several statutes concerning the said corporation; and it shall be lawful for the said corporation, with the said sum, to redeem the bonds, or debentures in circulation at maturity, or by agreement with the holders thereof, or to receive the same in exchange for shares, stock or debentures available in virtue of the present act, on such terms and conditions as may be agreed upon.

Corporation shall retain a sum equal to the amount of its bonds now in circulation, which it may redeem or not.

8. The corporation of the said city are hereby empowered to employ and apply all sums of money now on hand and set apart, by and through their treasurer, to form sinking funds in pursuance of the several statutes by which the said corporation are authorized to borrow money for municipal purposes, and which at present constitute such sinking funds, to the payment and extinction of the bonds, securities, debentures, and of the debt of the city generally; and such sinking funds being rendered unnecessary by reason of the system inaugurated by the present act, the same are for the future discontinued and declared to be abolished.

Investment of sinking fund already created.

EXPROPRIATION.

9. The eleventh and twelfth sections of the act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, intituled: "An act to amend the provisions of several acts relating to the city of Montreal and for other purposes," are hereby explained and modified in manner and to the extent following:—the said commissioners, before proceeding with the valuation required by the said sections, shall begin by determining who are the parties interested in and to be specially assessed for the purpose of the proposed improvement, and draw up a report thereof, and give public notice of the same by an advertisement to be inserted during ten days in two English and two French daily newspapers published in the city of Montreal, and the said parties so notified who desire to oppose the said proposed improvement shall be bound to file

Sections 11, 12 of 29, 30 V. c. 57 modified.

Duty of commissioners before assessing value.

their oppositions in the hands of the said commissioners within three days from the date of the last insertion of the said advertisement, the said commissioners, upon the filing of the said oppositions, to proceed as mentioned in the said sections.

TAVERN CERTIFICATES.

Preamble.

10. Whereas, the council of the said city of Montreal have experienced serious difficulties in the fulfilment of the duties imposed upon them by law in reference to the granting of certificates for taverns, inns, hotels or other houses or places of public entertainment, and it is expedient to relieve the said council, from such responsibility, and for that purpose to amend chapter six of the consolidated statutes for Lower Canada; it is therefore enacted that the powers conferred upon the said city council by sections nine, eleven and thirteen, of chapter six of the consolidated statutes for Lower Canada, concerning the confirmation or rejection of the certificates required to obtain a license, are henceforth conferred upon a board to be composed of the chairmen of the standing committees of the said council, who are hereby exclusively invested with all the rights and powers held to this day by the said council, concerning the said granting or rejection of tavern certificates.

Powers given by secs. 9, 11, 13 of c. 6, C. S. L. C. for granting tavern certificates transferred to chairmen of permanent committees.

When such certificates shall be applied for.

11. All applications for certificates shall be lodged with the clerk of the said city, on or before the fifteenth day of March in each and every year and no later; and each application aforesaid shall be accompanied by the sum of one dollar to defray the cost of advertising and other incidental expenses.

When applications shall be taken into consideration.

12. It shall be the duty of the said board to consider the said applications for certificates, and to grant or reject the same, as they may see fit, and to close their labors on or before the fifteenth day of April following and not later, and they shall report the result of their proceedings to the city clerk, which report shall be signed by a majority of the members of the said board, and their adjudication shall be final.

List of applications granted to be published.

13. Immediately after the above mentioned report shall have been made, the clerk of the said city shall cause to be published, without delay, in the newspapers in which the advertisements of the corporation of the said city usually appear, a complete list of the applicants whose applications have been granted by the said board.

RECORDER'S COURT.

More simple mode of recording the proceedings of the court.

14. Whereas, as it is expedient to simplify the procedure of the recorder's court of the city of Montreal, with reference to enregistration of proceedings, judgments and convictions therein, it is hereby enacted that it shall not be necessary 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 clerk of the said court, 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 plaint shall be sufficient evidence thereof, provided that in cases when the defendant requests prior to the hearing of the case to have the proceedings entered as heretofore, the above provisions shall not apply. Proviso.

15. In all cases of persons tried for drunkenness before the said court, it shall not be necessary to take the affidavit or deposition in writing of the constable making the arrest. In certain cases depositions need not be in writing.

CITY HALL LOAN.

16. And whereas, the premises now used in the said city of Montreal as a city hall, are inadequate to the proper working and administration of the municipal affairs, and do not offer sufficient security for the preservation of the city's archives and documents, and in consequence thereof, the corporation of the said city have acquired from the provincial government, by deed passed at the said city of Montreal, on the twenty-ninth day of June, one thousand eight hundred and sixty-seven, before Théod Doucet and colleague notaries, a lot of ground or real property situated within the limits of the said city, on the express condition that the said corporation shall construct on the said lot or real property a city hall, and shall not use the same for any other purposes, and that the said edifice shall be erected within five years from the date of such deed, and to enable the said corporation to fulfil their engagements as aforesaid, it is hereby enacted that the said corporation may effect a special loan to the amount of two hundred and fifty thousand dollars, current money of this province, to be known as "The City Hall Loan," for which 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 two hundred and fifty thousand dollars, payable twenty-five years after the date of their issue, and bearing interest at the rate of seven per cent, every year, payable semi-annually on the first day of May and the first day of November; and such bonds or debentures may be issued from time to time, for such period and for such amount as may be deemed expedient, and shall as regards the the principal as well as the interest, be secured by special mortgage and privilege, and without the formality of registration at the registry office by and upon the lot or land acquired as aforesaid, for a city hall, and also by and upon the buildings and works to be erected thereon; provided, however, the proceeds of the said bonds or debentures shall be applied and expended only for the purposes of the erection of a city hall on the lot of ground aforesaid, and not otherwise or elsewhere. Preamble.

Loan of \$250,000 and issue of bonds, to build a city hall.

Nature and security of said bonds.

Where the loan may be effected.

Secs. 4, 5, 6 shall apply to said bonds.

17. The amount which the corporation of the said city are authorized to borrow, in and by the preceding section, may be 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 all the provisions contained in the fourth, fifth and sixth sections of the present act, regulating the issue of bonds or debentures, their registration and transfer, and 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 payment of the bonds or debentures, the issue of which is authorized by the preceding section, and to the establishing of a sinking fund, at the rate of two per cent annually, on the said sum of two hundred and fifty thousand dollars, for the purpose of paying off the said loan.

MISCELLANEOUS PROVISIONS.

Absence of returning officers at elections provided for.

Extension of 27-28 V. c. 60, s. 27 as to street paving.

How near to dwellings water pipes need be laid.

By-law to prohibit keeping of pigs.

18. In case any returning officer appointed by the council of the said city to preside at the nomination of candidates, at municipal elections, shall, from illness or unavoidable absence or other cause, be unable to perform the duties devolving upon him, power is given to the clerk of the said city to appoint, from among the members of the said council, a substitute to preside at such elections in the place of such returning officer.

19. The powers conferred upon the council of the said city by the twenty-seventh section of the act twenty-seventh and twenty-eighth Victoria, chapter sixty, in reference to dressed stone paving, flagstone or brick foot-paths or sidewalks, or grading, and the defraying of the cost thereof in whole or in part by means of an assessment, are extended to such other modes of paving as the said city council may adopt by resolution, such as wooden block, or Nicholson paving, asphalt, lava, or any other paving composition whatsoever.

20. In all cases where a building is now, or shall hereafter be constructed within and at a distance from the line of the street, the corporation of the said city shall be held to lay the water distribution pipes to the line of the street only, and the said corporation shall have the right to exact the water rate from the proprietor of such building, although the latter shall fail or neglect to connect the said distribution pipe with his building.

21. The council of the said city shall have power and authority to prohibit the rearing, keeping or feeding of pigs within the limits of the said city, or in such sections as the said council shall determine and to pass a by-law for that purpose, and may impose by such by-law a fine not exceeding twenty dollars, or an imprisonment not exceeding two months, unless such fine be sooner paid, or may impose such fine with the addition of the said imprisonment for the said offence, as may be deemed expedient.

22. All sections of any law contrary to the provisions of General repeal. the present act, shall be and they are hereby repealed, but in so far only as they are inconsistent with the said provisions.

SCHEDULE No. 1.

CITY OF MONTREAL CONSOLIDATED FUND.

Classes A or B.

PERMANENT STOCK.

CITY HALL,

Montreal,

18 .

CERTIFICATE No.

This is to certify that _____ of _____, at the date hereof, is the registered owner, in the books of the corporation of the city of Montreal, of _____ shares, of one hundred dollars each, in all amounting to _____ dollars, of the consolidated fund of the city of Montreal (as detailed in the margin hereof,) established under the authority of the act of the Legislature of Quebec, in the Dominion of Canada, passed on the _____ day of 18 _____, (Vic., chap. _____) intituled " An act to amend the acts relating to the corporation of the city of Montreal and for other purposes."

Form of certificate of shares in classes A and B.

Shares.
Shares.
Shares.

Upon the amount of shares in the said permanent stock standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Montreal as aforesaid the corporation of the mayor, aldermen and citizens of the said city will pay interest semi-annually, at the rate of seven per cent per annum, on the first days of May and November in each year.

Class A—Montreal Water Works Stock,
Class B—Montreal Public Property Stock,
In all, as certified herein,

Sealed with the seal of the corporation of the said city of Montreal—signed by the mayor—countersigned by the city clerk and enregistered in the books of the said corporation by the city treasurer of the said city, this day of _____, 18 _____.

(L. S.)

City clerk.

Mayor.

Registered book

Folio

City Treasurer.

SCHEDULE No. 2.

CITY OF MONTREAL CONSOLIDATED FUND.

Class C.

TERMINABLE DEBENTURES.

CITY HALL,

Montreal,

18 .

Form of certifi-
cate of shares in
class C.

CERTIFICATE No.

This is to certify that

of _____, at the date hereof, the registered owners, in the books of the corporation of the city of Montreal, of _____ shares of one hundred dollars each, in all amounting to _____ dollars, of the following terminable debentures of the consolidated fund of the city of Montreal, issued under the authority of the act of the legislature of Quebec, in the Dominion of Canada, passed on the day of _____, 18____, (Vic., chap. _____) intituled: "An act to amend the acts relating to the corporation of the city of Montreal and for other purposes," viz.: 1st issue of _____ payable _____ shares.

Upon the amount of the shares in the said terminable debentures standing enregistered to the credit of the owners thereof, in the books of the corporation of the city of Montreal, the corporation of the mayor, aldermen and citizens of the said city will pay interest semi-annually, at the rate of seven per cent per annum, on the first days of May and November in each year. And the principal sum accruing at the maturity of the respective issues of the said terminable debentures will be redeemed in full, and paid to such parties as may stand enregistered proprietors in the books of the said corporation, twenty-five years after the dates of the respective issues, authorized by virtue of the act hereinbefore stated.

Sealed with the seal of the corporation of the said city of Montreal—signed by the mayor—countersigned by the city clerk, and enregistered in the books of the said corporation by the city treasurer of the said city, this _____ day of _____, 18 .

(L. S.)

City clerk,

Mayor.

Registered book

Folio

City Treasurer.

SCHEDULE No. 3.

CITY OF MONTREAL CONSOLIDATED FUND.

CITY HALL,

Montreal,

18 .

Form of certifi-
cate of transfer.

This is to certify that

Montreal has this day transferred in the books of the corpora-

tion of the city of Montreal to the credit of
of shares of one hundred dollars
each, in all amounting to dollars of
the consolidated fund of the city of Montreal, under the
following classes viz :

The said shares are transferable on the books of the corpora-
tion of the said city only by the said or
attorney duly constituted.

City Treasurer.

SCHEDULE No. 4.

CITY OF MONTREAL CONSOLIDATED FUND.

For value received from

of , Form of transfer.
do hereby assign and transfer unto the said
shares of one hundred dollars
each amounting to the sum of dollars,
in the consolidated fund of the city of Montreal, viz :
of Montreal water works stock (class A) shares.
of Montreal public property stock (class B) shares.
and Montreal terminable debentures (class C) shares.
Witness my hand this day
of in the year one thousand
eight hundred and

Signed in presence of

} Signature of party transferring.

Witnesses.

C A P . X X X V I I I .

An act to incorporate the members of the "Synod of
the Diocese of Montreal," and to merge "The
Church Society of the Diocese of Montreal" in such
Synod.

[Assented to, 24th February, 1868.]

WHEREAS, by virtue of the act passed in the session held ^{Preamble.}
in the nineteenth and twentieth years of her majesty's
reign, intituled "An act to enable the members of the united ^{19-20 V. c. 141.}
church of England and Ireland in Canada to meet in Synod,"