

end, the company shall have the power to acquire or lease such real estate as may be necessary in Hochelaga, Ward, of the city of Montreal, or elsewhere in the Province, and to construct and maintain thereon the requisite factories and buildings, or to acquire or lease in the said ward or elsewhere in the Province, suitable factories and buildings, and to fit up and equip such factories or buildings with all requisite machinery.

Powers to hold, &c., real estate, &c.

5. The company shall be organized, and may commence to carry on business, whenever two hundred and fifty thousand dollars of the capital stock or two thousand five hundred shares are subscribed, and ten per centum of such amount, or twenty-five thousand dollars have been paid up.

When company to be organized.

6. To organize the company and raise the necessary amount of capital stock, Henry Hogan, Thomas Workman, Jacques Grenier, George F. C. Smith, the Honorable Henry Starnes and the Honorable Joseph Gaspard Laviolette, all of the city of Montreal, shall be the provisional directors thereof, and a majority of them shall be a quorum.

Provisional directors to organize company.

Quorum.

7. The persons above named shall, on the organization of the company, become and be the directors thereof, until replaced by others duly elected.

First directors.

8. Until altered by a by-law, the number of directors shall be seven.

Numbers of directors.

9. This act shall come in force on the day of its sanction.

Coming into force.

C A P. L X X I X .

An Act to revise and consolidate the charter of the City of Montreal and the several Acts amending the same.

[Assented to 21st March, 1889.]

WHEREAS it is expedient to revise and consolidate the provisions of the several acts of the Legislature of the Province of Quebec, referring to the corporation of the city of Montreal and to vest certain powers in the said corporation; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

TITLE FIRST.

INTERPRETATIVE PROVISIONS.

Interpreta-
tion.

1. Whenever the following words occur in this act, they shall, unless the context otherwise requires, be understood as follows :

" Council."

The word " council," shall mean the council of the corporation of the city of Montreal ;

" Mayor,"
" aldermen,"
" city clerk,"
" city treasurer,"
" city surveyor,"
" corporation."

The word " mayor," " aldermen," " city clerk," " city treasurer," " city surveyor," shall mean the mayor, aldermen, clerk, treasurer and surveyor. of the corporation of the city of Montreal, respectively ;

The word " corporation," shall mean the city of Montreal as hereby constituted ;

" Superior
court."

The words " Superior Court " shall mean the superior court sitting in and for the district of Montreal ;

" Recorder's
court."

" Recorder."

The words " Recorder's court " shall mean the recorder's court of the city of Montreal ; and the word " Recorder," the recorder of the city of Montreal ;

" City."

The word " City " shall mean the city of Montreal or the corporation of the city of Montreal (as the case may be).

" Rate payer."

The words " rate payer," shall mean any person liable to the payment to the corporation of any assessment, tax of any nature whatsoever, or water rate ;

" Owner,"
" proprietor,"
" tenant,"
" occupant."

The words " owner " or " proprietor," " tenant " and " occupant," shall be construed in accordance with the definition of these words contained in the Quebec election Act, title II, chapter II. of the Revised Statutes of the Province of Quebec ;

" Assess-
ment."

The word " assessment " shall mean the rates annually levied upon immoveable property in the city generally ;

" Special as-
sessment."

The words " special assessment " or " apportionment " shall mean the assessment levied, from time to time, upon certain proprietors for local improvements ;

" Tax."

The word " tax " shall mean the personal duty or license fee levied upon trades, business, professions or occupations generally ;

" Water
rates."

The words " water rates " shall designate the price or value of water supplied by the city, as fixed under the provisions of this act or of any by-law passed in virtue thereof ;

" Section."

The word " section " with a number appended, shall mean the section of this act bearing a corresponding number, unless otherwise described ;

" Person."

The word " person " shall mean any individual, company, association, commercial firm or corporation, unless such interpretation shall be inconsistent with the context.

2. Any form indicated by a capital letter, in the various ^{References.} provisions of this act, refers to the form with a corresponding heading contained in the schedule annexed to this act; and any reference to one or more sections indicated in the provisions of this act, without mention of the act or statute of which such sections form part, is a reference to the sections of this act.

3. This act shall be known as "the charter of the City ^{Name of act.} of Montreal, 1889."

TITLE II.

INCORPORATION.

4. The inhabitants of the city of Montreal, and their ^{Inhabitants} successors, ^{incorporated.} inhabitants of the same, shall be a body corporate in fact and in name, by and under the name and title of *The City of Montreal*, and as such, shall have ^{Name.} perpetual succession, and a common seal, with power to ^{General pow-} break, renew, change and alter the same at pleasure; and ^{ers.} shall be capable of suing and being sued, and of impleading and being impleaded, in all courts of law and equity, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estate, and of granting, selling, alienating, assigning, leasing, and conveying the same; and of entering into and becoming a party to contracts, and of granting and accepting bills, bonds, judgments or other instruments or securities, for the payment or securing the payment of any money, due by or to the corporation, and the performance of any other duty, matter or thing whatsoever.

TITLE III.

CITY BOUNDARIES.—WARDS.—ANNEXATION OF TERRITORY.

5. The city of Montreal shall comprise the tract of land ^{Corporate} situated within the boundaries shewn and specified on ^{limits estab-} the plan of the city made and certified in duplicate by the City Surveyor, dated the third day of January, one thousand eight hundred and eighty-nine, signed by the mayor, countersigned by the city clerk, sealed with the city's seal, and deposited as follows, that is to say: one of the duplicates in the office of the clerk of the Legislative Council of this Province, and the other in the city surveyor's office in the city hall of the city.

Jurisdiction
for municipal
and police
purposes.

2. The jurisdiction of the city for municipal and police purposes shall extend to the centre of the River St. Lawrence opposite the city.

Division into
wards.

6. For the purposes of this act, the city of Montreal shall be divided into twelve wards, respectively called : *East, Centre, West, Saint Ann, Saint Antoine, Saint Lawrence, Saint Louis, Saint James, Saint Mary, Hochelaga, Saint Jean-Baptiste and Saint Gabriel.*

Boundaries.

The boundaries of the several wards above enumerated shall be as shewn and specified on the plan referred to in the next preceding section.

Copies of city
plan.

7. Copies of the said plan, of full size, or on a reduced scale, certified by the city surveyor, shall be deemed authentic for all the purposes of this act.

City limits
may be ex-
tended by by-
law.

8. It shall be lawful for the city council, by the concurrent vote of the majority of its members, to make by-laws to extend the city limits, by annexing thereto, for all municipal purposes, any adjoining municipality or part of municipality, provided always that such by-law shall not be inconsistent with the provisions of any special act applicable to such municipality; and any such by-law shall contain a complete description of the territory to be annexed, with a plan thereof shewing its area and boundaries, and also the terms and conditions upon which it shall be so annexed. Such by-law shall also determine whether the territory so annexed shall form a ward by itself, or be annexed, in whole or in part, to any existing ward or wards of the city; provided always that such by-law shall not have any force or effect unless, before the third reading and final passing thereof, it shall be approved of by the council of the municipality affected thereby, and shall also be sanctioned by the electors who are proprietors in the said municipality or part of municipality, as the case may be, in the manner following, that is to say :

Proviso.

By-law to be
published.

1. A copy thereof shall be published once a week for one month in two English and two French newspapers in the city, and shall also be posted up at the door of the city hall, at the door of the parish church of the said municipality, at the door of the hall or building in which the council of such municipality usually hold their meetings, and in at least six other public places in the said municipality, or part of municipality, as the case may be,—with a notice appended to such by-law, to be signed by the city clerk, certifying that it is a true copy of a by-law which will be taken into consideration by the city council.

cil, after the expiration of thirty days from the date of the last publication thereof, as aforesaid ; and that on a day and hour, and at a place in the said municipality, or part of municipality, as the case may be, to be fixed by the mayor of the city, and named and designated in the notice, such day not being less than fifteen, nor more than twenty days after such last publication, a general meeting of the electors, who are proprietors, in the said municipality, or part of municipality, as the case may be, will be held for the purpose of considering such by-law, and approving or disapproving of the same ;

To be submitted to electors.

2. At such meeting, the mayor of the municipality in which it is held shall preside or in his absence or refusal to act, some other person to be chosen by the meeting, who shall be a member of the council of such municipality, if any such is present at such meeting, and is willing to act ; the secretary-treasurer of such municipality shall attend at such meeting and have with him the assessment rolls and list then in force of the electors who are proprietors in the said municipality, or a certified copy thereof, and shall act as secretary ; and the only question to be determined at such meeting shall be whether the majority of the qualified electors being proprietors in the said municipality, or part of municipality, as the case may be, present at the said meeting, do or do not approve of the by-law ;

Who shall preside at meeting.

Question to be decided.

3. When the question has been put, the person presiding shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law ; and his decision, if not appealed from, in the lapse of an hour shall be final, and, within eight days thereafter, shall be communicated to the mayor of the city, by a certificate under the hand of the secretary of the meeting ;

Putting the question.

4. Any five of the electors present at any such meeting may appeal from the decision of the person presiding, and demand a poll, and such poll shall be granted by the person presiding at the meeting, and shall be immediately taken by him, the secretary-treasurer of the municipality acting as poll-clerk ;

Poll may be demanded.

5. Each of the electors shall then present himself in turn to the person presiding, and shall give his vote " yea," or " nay," the word " yea " meaning that he approves of the proposed by-law, and the word " nay," that he disapproves of the same ; but no person's vote shall be received unless he appears by the said assessment rolls and voters' list to be an elector in the said municipality, or part of municipality, as the case may be, duly qualified to vote as a proprietor of immoveable property therein ;

Votes how polled.

Polling may be continued on following day in certain cases.

6. If at five o'clock in the afternoon on the day of the meeting, the votes of all the electors present have not been registered, the presiding officer shall adjourn the voting to the following day at ten o'clock in the forenoon, and the voting shall then be continued as on the first day and shall be closed at five o'clock in the afternoon of the said second day.

Poll may be closed.

7. If at any time, on the first or second day, an hour elapses without a vote being offered, the poll shall be closed ;

Result how declared.

8. At the close of the poll, the person presiding shall count the " yeas," and the " nays," and ascertain whether the majority of the electors are for the approval or disapproval of the said by-law ; and thereupon he shall forthwith make and sign a certificate stating the result of the voting upon the said question, and such certificate shall be countersigned by the secretary-treasurer of the municipality acting as secretary of the meeting, and shall be kept by him, with the poll-book, among the records of his office ; and it shall be his duty to transmit to the city clerk, within eight days from the close of the poll, a duly authenticated copy of the said certificate and poll-book ;

If by-law be disapproved.

9. If the by-law be not approved by the majority of the electors of the municipality, or part of municipality, as the case may be, qualified as aforesaid, who shall have recorded their votes as aforesaid, the council shall not proceed to pass the same ; but if it be approved by such majority, it shall thereupon be submitted to the council, with a preamble reciting the fact that such by-law has been approved by a majority of electors qualified as aforesaid in the said municipality or part of municipality, as the case may be, at a meeting called and held in conformity with the requirements of this act. And if afterwards the by-law be passed by the council, by the vote of the majority of its members, then such by-law shall have effect, subject to the approval of the Lieutenant-Governor in council, and shall have no force until such approval has been given.

If approved.

Subject to approval by Lieutenant-Governor.

Lieutenant-Governor may require information.

9. The Lieutenant-Governor in council may require from the council and from the municipality to be annexed, in whole or in part, under such by-law, all such documents and information as he shall think necessary for ascertaining the expediency or in expediency of such by-law, or any of the provisions thereof ; and the proper officers of the council and of such municipality shall furnish the same accordingly ; and thereupon the Lieutenant-Governor in council may in his discretion approve or disapprove of such by-law ; and if he shall approve of

the same, such approval shall give to such by-law the force of law; and thereafter the same shall be conclusively presumed, and shall be held, to be regular and legal; and the validity thereof, and the sufficiency of all notices and proceedings relating thereto, and to the passage thereof, shall not thereafter be disputed before any court, nor in any manner whatever.

By-law conclusive if approved.

10. Any municipal officer, or member of a municipal council, who shall neglect or refuse to perform, or to concur in performing, any official act or duty required of him for carrying out the provisions contained in the two next preceding sections, shall be liable to a penalty of one thousand dollars, which penalty may be sued for in the name of Her Majesty, before any competent court, within six months after the offence was committed, but not afterwards.

Penalty on officer refusing to act.

11. So soon as any municipality or part of a municipality, shall have been annexed to the city, under this act, such municipality, or part of municipality, shall be subject to the provisions of the several acts, by-laws, rules and regulations then in force or thereafter to be made and passed, under the powers conferred upon the corporation of the city by its charter, or by any act amending the same, except in so far as such provisions may be inconsistent with the conditions of the by-law under which such annexation shall have taken place; and the legislative enactments contained in the statute 37 Vic., chap. 51, sections 168 to 174 both inclusive, with respect to the making of a plan for the several wards of the city, and the effect thereof, shall, notwithstanding the repeal of such statute, as hereinafter provided, apply to any of the new territories that may hereafter be annexed to the city, under the preceding sections; or which have already been annexed to the city, but where the authority to make such a plan has not yet been exercised.

Annexed municipality subject to by-laws, &c.

TITLE IV.

THE CITY COUNCIL.—MAYOR AND ALDERMEN.

12. The council of the city shall be composed of the mayor, and three aldermen from each ward of the city, and shall exercise all the powers and discharge all the duties granted and imposed by this act upon the said city.

Composition of council.

Mayor.

13. The mayor shall be elected for a term of one year by the majority of the votes of the qualified municipal electors of the city cast at such election ; and shall hold office until his successor in office shall have been elected and sworn in ;

To be justice of the peace.

He shall be *ex officio* a justice of the peace for the city and district of Montreal, and shall receive, out of the funds of the city, a salary to be fixed by the council, not to exceed two thousand dollars.

His salary.

Vacancy in office of mayor how filled.

14. In case a vacancy shall occur in the office of mayor from any cause whatever, the council shall, as soon as possible after such vacancy, elect one of its members to be mayor for the remainder of the period for which the mayor, whose place is to be supplied, was elected to serve ; the acceptance of the office of mayor by such member shall have the effect of rendering his seat in the council vacant, and a new election to fill such vacancy shall be held.

Acting mayor.

15. The council, at its monthly meeting, in the months of February, May, August and November, in each year, shall elect one of the aldermen to act as mayor during the ensuing three months, whenever the mayor may be absent, sick or unable to act ; and the member of the council so elected shall, during such absence, sickness, or inability, have and exercise, all the power, authority and privileges, vested by law in the mayor.

Wards how represented.

16. The several wards of the city shall each be represented in the council by three aldermen who shall not continue in office, without being re-elected, for a longer period than three years, and who shall severally be justices of the peace for the city.

Alderman may resign.

17. Any alderman may resign and vacate his seat in the council, by transmitting his resignation in writing signed by him, to the city clerk ; but such resignation shall have no effect until it be accepted by a resolution of the council.

Vacancies how filled.

18. If any vacancy occurs in the office of alderman, the mayor shall fix an early day for the nomination of candidates ; and also the day on which the election shall take place in case of a contest ; and notice of such nomination and election shall be given ; and such nomination and election shall be held, in the manner hereinafter prescribed, and the person elected shall hold office during the unexpired term of the previous incumbent's tenure of office.

189. No person is capable of being nominated or elected mayor unless he has been resident in the city for one year next before the election, and unless he, during the six months preceding the day of his nomination, has been seized and possessed of immoveable property in the city of the value of four thousand dollars, after payment or deduction of all charges thereon. Mayor's qualification.

190. No person is capable of being nominated or elected alderman, unless he has been a resident in the city for one year next before the election, and unless he has been, during the six months preceding the day of his nomination, seized and possessed of immoveable property in the city of the value of two thousand dollars, after payment or deduction of all charges thereon. Qualification of aldermen.

191. No person shall enter in office as mayor or alderman, unless he shall have previously deposited and lodged in the hands of the city clerk a declaration signed by himself, establishing the fact of his being qualified in accordance with the next preceding sections and containing a detailed description of immoveable property on which he qualifies himself. Declaration of qualification.

Any alderman voting at any meeting of council or committee, unless he is duly qualified as required by law, shall be liable to a penalty of one hundred dollars for each such vote which he gives in council or in committee. Penalty on alderman voting without being qualified.

192. In case the mayor or any alderman has ceded, or made over, the immoveable property on which he qualified himself, or has mortgaged or encumbered the same, so as to affect the amount required for his qualification, it shall be lawful for any two duly qualified electors to present a petition to the council, requiring the said mayor or alderman, as the case may be, to produce his title of such other immoveable property as he may qualify upon; and in default of his doing so, within a delay stated by the council, his seat shall become vacant. If property on which member qualifies changes hands.

193. No person is capable of acting as mayor or alderman until he has taken, before the city clerk, the oath of allegiance to Her Majesty, her heirs and successors, and the oath of office, in the form A. Mayor and aldermen to be sworn.

194. No person is capable of being nominated or elected as mayor or alderman who is not a natural born or naturalized subject of Her Majesty and of the full age of twenty-one years, or who has been convicted of treason or felony, in any court of law within any of Her Majesty's Qualification of mayor and aldermen.

dominions, or who is in holy orders, or a minister or teacher of any religious sect, or a judge or clerk of any court, or member of Her Majesty's privy council or the executive council of the Province of Quebec, or who has any contract with the city for the performance of any work or duty, or who is surety for any such contract, or who is in any way accountable for the city revenue, or in the employ of the city, or who is indebted to the city for taxes, assessments or water rates, special assessments for local improvements excepted, or is a party to, or interested in any law suit or judicial process whatsoever, the amount of which shall exceed one hundred dollars, and wherein the city shall appear as an adverse party.

Alderman to be disqualified if interested in contract with city. Proviso.

Any alderman, who is directly or indirectly interested in any contract for work to be done or supplies furnished to the corporation, shall *ipso facto* be disqualified; but this provision shall not apply to stockholders in a joint stock company, but such stockholders shall not vote on questions in which their company is interested.

Causes of disqualification.

25. If any person, holding the office of mayor or alderman, is declared bankrupt, or becomes insolvent, or applies to take the benefit of any act for the relief of insolvent debtors, or compounds by deed with his creditors, or takes or enters into holy orders, or becomes a minister or teacher of any religious sect, a judge or clerk of any court, or a member of Her Majesty's privy council or of the executive council of the Province of Quebec, or becomes accountable in any way for the city revenue, or enters into the employ of the city, or is absent from the city more than two months continuously, or from the meetings of the council for more than two months consecutively, (unless in case of illness, or with leave of the council), or directly or indirectly, becomes a party to, or security for, any contract or agreement with the city for the performance of any work or duty, or derives any interest, profit or advantage from such contract or agreement to the extent of one hundred dollars, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of mayor, or alderman, as the case may be.

Present members to continue in office.

26. The mayor and aldermen, who are in office when this act comes into force, shall continue in office until required to go out of office under this act; and the person who is mayor at the time this act comes into force shall continue in office until his successor is appointed and sworn in.

27. On the first Monday of February, every year, one of the aldermen for each ward shall go out of office; and on the first Monday in February next, and on the first Monday of February in each succeeding year, such alderman for each ward shall go out of office who has been a member thereof for the longest time without re-election.

One alderman each ward to go out of office in February yearly.

28. If, on the first Monday in February next, or in any succeeding year, the seat of any alderman, whose regular term of office was to extend beyond the first day of February, is vacant from any cause whatever, then an alderman shall be elected to fill such vacancy, as well as in the place of the member who is then regularly to go out of office under the provisions of the preceding section.

Extra vacancy in office of alderman.

29. The council may appoint as many committees as it may deem necessary, consisting of such of its members as it may think fit to name, for the transaction of business, and for the discharge of such duties as may be assigned to them by by-law.

Committees.

TITLE V.

MUNICIPAL ELECTORS —VOTERS' LIST—REVISION OF THE LIST.

30. The following persons, being of the full age of twenty-one years, are entitled to be registered upon the voters' list for any ward, and when so registered, to vote at elections to be held under the provisions of this act, namely:

Qualification of electors.

1. Every male person entered on the last assessment roll, in force, as the owner of immoveable property in such ward, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards; and if such immoveable property is owned by several persons *par indivis*, each of them shall be entitled to a vote in respect thereof, provided the proportion of the assessed value of the property corresponding to his share thereof, amounts to a sum sufficient to qualify him as a voter under the provisions hereof;

Proprietors.

The husband of any woman under the law of separation as to property, when she is seized and possessed, as proprietor or usufructuary, of immoveable property, of the assessed value of three hundred dollars or more; or where she does business or has a place of business, which renders her subject to the payment of the business tax;

Husband of a woman under law of separation as to property.

Widows and spinsters shall have the same rights, as to voting, as are conferred upon male persons who are pro-

Widows and spinsters.

prietors by this subsection, subject to the same conditions ;

Tenants.

2. Every male person, being an inhabitant householder in the city, whose name is entered on the last assessment roll in force, as the tenant of a dwelling-house or part of a dwelling-house, in the ward for which such list is made, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ;

Persons keeping office or place of business.

3. Every male person, though neither an owner or householder, who, either individually or jointly, as a co-partner with any other person, is entered on the last assessment roll in force as the tenant or occupant of any warehouse, counting-house, shop, office or place of business in the city, provided that such warehouse, counting-house, shop, office or place of business, if occupied by the said person individually, be assessed at a value not less than three hundred dollars, or at a yearly value of not less than thirty dollars ; or if occupied by him as a co-partner, that his proportion or share thereof be not of less value than the amounts aforesaid respectively, according to the assessed value thereof.

Where and in what manner electors may vote.

31. Persons entitled to vote, as aforesaid, shall vote in and for the particular ward in which the property constituting their qualification to vote shall be situated ; but when any such person is qualified as owner in more than one ward, or as the tenant or occupant in one ward, and at the same time as owner or householder in any other ward, he may vote for the election of aldermen in any or all of the wards wherein he is qualified so to do, and he shall be inscribed in the voters' list for each of such wards, provided that for the election of a mayor such person shall vote only in the ward, or one of the wards, wherein he is qualified to vote, either as owner or as householder.

Tenants to pay city dues to enable them to vote.

32. No person qualified as tenant is entitled to vote at any election of mayor or alderman, unless, prior to the first day of December next before the holding of such election, he shall have paid the amount of all taxes, assessments, and water rates (special assessments for local improvements excepted), that may then be due and payable by him.

Voters' list.

33. Before the first day of December, in each year, the assessors shall make, from the last assessment roll then in force, an alphabetical list of the persons qualified to vote at elections under this act, to be called " The Voters'

List," wherein they shall insert the names and surnames of the voters, their occupation, and the street and number of the property in respect of which they are qualified to vote; and they shall also indicate in a separate column, the nature of the qualification of such voters, whether as owners, occupants or tenants.

34. In preparing the voters' list, the assessors shall subdivide each ward into as many electoral districts as they deem convenient, each of such districts to contain two hundred voters or thereabout, and shall make a report in duplicate of such subdivision, shall sign the same, and retain one duplicate thereof, the other to be transmitted to the city clerk; they shall make out, for each such electoral district, an alphabetical list of voters, which they shall sign, certifying that it is correct to the best of their knowledge and belief, and shall deliver the same to the city clerk, prior to the first day of December; and at any election held under this act, each of such electoral districts shall constitute a polling district for such election.

Division of
wards into
electoral dis-
tricts.

List of voters
for each dis-
trict.

35. On the said second day of December, the city clerk shall transmit the voters' list to the city treasurer, whose duty it shall be to examine the same and to indicate such of the voters as are disqualified under section 32, by writing opposite their names respectively, in the column for remarks in such list, the letters P. T., W. R., as the case may be, the said letters signifying respectively P. T., *personal tax*, W. R., *water rate*, according as the said voters may, on the said first day of December, have been indebted for personal tax or water rate.

Lists to be
transmitted to
city treasurer.

36. On or before the twentieth day of December, the city treasurer shall return the voters' list, checked as aforesaid, to the city clerk, in whose office it shall be kept for examination by all parties concerned, at reasonable hours, until finally revised by the board of revisors.

List to be re-
turned to city
clerk.

37. The city clerk shall immediately thereupon publish a notice of the revision of the voters' list (in the form B.) in at least two English and two French newspapers, in which notice shall be stated the days on which the board of revisors will meet for such revision.

Notice of revi-
sion of list.

38. In the month of December in each year, the council shall choose five of its members who shall be and constitute a board of revisors, any three of whom shall be a *quorum*, and who shall be sworn before the mayor or any

Board of re-
visors.

alderman not a member of the board, well and impartially to perform their duties as revisors.

Application to
correct lists
how made.

39. On or before the fourth day of January in every year, any elector, in any ward, may give notice in writing to the board of revisors (which notice shall be left at the office of the city clerk) that he will apply to have the voters' list for such ward amended, either by the addition thereto of names of persons omitted, or by striking off therefrom the names of person improperly inserted or by striking off or adding letters importing disqualification affixed under section 35, and such notice shall specify the qualification of the electors sought to be added, and the causes of disqualification of those sought to be struck off: such notice shall, at the diligence of said applicant, on or before the fifth day of January, be served upon every elector who is sought to be struck from the list of voters, and shall be open to the inspection of any elector; and on the day fixed for the revision of the voters' list of the ward in which such applicant is qualified to vote, he shall appear, either personally or by his agent or representative, before the said board to make good his application.

Board of revisors when to meet.
Their powers defined.

40. The board of revisors shall meet on the fifth day of January at ten o'clock in the forenoon, and after electing one of their number to preside at their meetings, shall adjourn from day to day until all the applications and objections made in respect of the voters' list have been adjudicated upon; and, after hearing the best evidence of which the cases will admit (all witnesses being first duly sworn before any member of the board) and the parties interested or their representatives, if present, they shall make the necessary additions or erasures to or from such list, and shall further correct all misnomers and all clerical or technical errors therein. Provided that nothing contained in the preceding section shall prevent the board from erasing from the list the name of any tenant who may appear not to have paid his taxes or water rates before the first day of December, as aforesaid, or to be dead at the time of the revision of the list, or whose name may have been erroneously included twice in the list of any one ward; provided always, that the list shall be finally revised before the ten days immediately preceding the day fixed for voting at the municipal elections; and the list so revised and settled shall be signed by the chairman of the board, countersigned by the city clerk (in the form C.) and shall be filed of record in the office of the city clerk; and copies thereof, certified by him, shall be deemed authentic for all the purposes of this act.

When list
shall be finally
revised.

41. At any time after the final revision of the voters' list as aforesaid, and until the close of the election on the first day of February, the board of revisors shall have power and authority to correct purely clerical errors in the names of the electors, or errors in the appending by the treasurer of the capital letters at the end of the names of the electors as hereinbefore provided ; but such corrections shall only be made upon the joint certificate of one of the members of the said board and of the city clerk ; provided that nothing herein contained shall be held as authorizing the revisors, or any of them, to strike out the name of any elector entered in the said list, or to add thereto the name of any elector not already entered therein.

Certain corrections on list may be made pending the election.

42. If any revisor neglects or refuses to perform any of the duties required of him under the preceding sections, he shall incur a penalty of two hundred dollars.

Penalty.

TITLE VI.

MUNICIPAL ELECTIONS.

43. The election of the mayor and aldermen shall be held on the first day of February in every year.

When held.

44. The twentieth day of January in each year shall be the day of nomination for candidates at elections for the offices of mayor and aldermen respectively ; and such nomination shall take place at the city clerk's office in the city hall, between the hours of ten and twelve o'clock in the forenoon.

Nomination of candidates.

45. Five days at least prior to such nomination, the city clerk shall give public notice, of the time and place of such nomination.

Notice therefor to be given.

46. Each candidate shall be named and designated by his christian name and surname, with his residence, profession or occupation, in a nomination paper (in the form D.) which shall be signed by at least ten electors duly qualified under this act, and deposited in the city clerk's office on the day and between the hours aforesaid ; and such nomination paper shall be accompanied by the consent in writing of the person nominated, unless such person be absent from the city, in which case the nomination paper shall set forth such absence.

Formalities to be observed.

47. The nomination paper shall also be accompanied by an affidavit, (in the form E) sworn before the city clerk or a justice of the peace and setting forth :

Affidavit required.

As to qualification of parties signing nomination paper.

1. That the deponent knows that the subscribers to the nomination paper, or at least ten among them, are electors entered as qualified to vote upon the voters' list in force in the city, or in the ward in which the election is to be held, (as the case may be) and that they signed the nomination paper in his presence ;

Consent of candidate.

2. That the consent of the candidate was subscribed by him in the presence of the deponent, or that the candidate is absent from the city.

Candidates without opposition to be declared elected.

48. If only the number of candidates required to be elected, are nominated in the manner aforesaid for any of the said offices, they shall *ipso facto* be elected ; and it shall be the duty of the city clerk to proclaim such election, by public advertisement, not later than the day following the nomination.

In case of opposition poll granted.

49. If more than the required number of candidates are nominated as aforesaid for any one of the said offices, a poll shall be granted, and the election shall be proceeded with in the manner herein prescribed ; provided that no person shall be voted for or elected, who has not been nominated in manner aforesaid.

Candidates may resign.

50. Every candidate, nominated as mayor or alderman, may, at any time before the closing of the poll, withdraw and resign, by filing with the city clerk a written declaration to that effect, signed by such candidate, in the presence of two witnesses, who shall also sign the same ; and in such case, it shall be the duty of the city clerk, on receiving such declaration, to make known such withdrawal by public notice ; and, if only one other candidate for such office remains, he shall thereupon proclaim such candidate to be duly elected ; and, in the latter case, all proceedings in connection with such election shall be discontinued.

Revisors to make arrangements for election.

51. The board of revisors shall make the necessary arrangements for the election of mayor and aldermen ; and for that purpose they shall meet between the fifteenth and twentieth days of January in each year, to fix and determine the places where the polls are to be held in the several wards wherein the election is to take place.

Deputy returning officers.

They shall select and appoint for each polling place to be held for the said election a deputy returning officer ; who shall receive a commission under the hand of their chairman, (in the form F), and they shall also cause books to be prepared for each polling place (in the form F F), in which shall be recorded the names of the persons voting at such election.

52. As soon as a poll has been granted for an election in the city or in any ward, the city clerk shall prepare copies of the voters' list last made and revised, for each electoral district in which such poll is to be held, and shall transmit the same duly certified to the respective deputy returning officers.

To be provided with copies of voters' lists.

53. When a poll has been granted for the election of the mayor, the voting shall take place in all the wards, and when a poll is granted for the election of an alderman, the voting shall take place in the ward for which the poll has been granted; the voting for the election of mayor and aldermen shall take place on one and the same day, that is to say: on the first day of February, at the places, and before the deputy returning officers appointed as hereinbefore provided; and the polls shall be opened at nine o'clock in the morning, and closed at five o'clock in the afternoon.

Voting for mayor and aldermen when and how held.

54. Six days at least prior to the voting, the city clerk shall give public notice of the time and places where such voting is to be held, specifying at the same time the boundaries of each electoral district, as previously fixed and determined by the assessors as aforesaid.

Notice to be given.

55. All elections for mayor or alderman in the said city shall be by ballot, and the principle of the Quebec Election Act, as contained in articles numbered from 293 to 416, of the Revised Statutes inclusive, together with the forms referred to therein, save and except the articles numbered 362, 372, question No. 2 of article 318, and the form of oath to voters in the article 318 which shall be in the form G, of this act,—shall *mutatis mutandis* apply to such elections, and shall govern the same, and all matters relating thereto not expressly provided for by this act. But the council shall have power, by by-laws, duly made from time to time, to alter the details of the procedure in the conduct of the election, and in the taking of the ballots, provided that in so doing they do not make provisions conflicting with the principle of the said articles. The council may also embody in such by-laws any amendments to such clauses that may be hereafter passed by the legislature; in all questions arising in respect of elections under this act, the said clauses amended, altered or added to as aforesaid, shall be read as forming part of, and shall form part of, this act.

Elections to be by ballot.

Certain articles of Revised Statutes to apply.

Council may make certain regulations, &c.

In applying the said articles to elections to be held under this act, the words "returning officer" in any of such clauses, shall mean the chairman of the board of

Interpretation of certain words.

revisors ; the words " deputy returning officer, " shall mean the person having charge of any poll, and the words " Clerk of the Crown in Chancery, " shall mean, the city clerk.

Corrupt practices. **56.** The clauses of the Quebec Election Act, numbered from articles 408 to 425 both inclusive, and from 431 to 435 both inclusive, of the Revised Statutes, having reference to corrupt practices at elections, the punishment thereof, and matters incidental thereto, shall apply to all elections under this act.

Corrupt practices defined. Any act or offence punishable under any of the provisions of articles 408, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420 and 421, of the said Revised Statutes, shall be corrupt practices within the meaning of this act.

Arrest of persons unlawfully voting. Every person, who, at any election for mayor or alderman for the said city or for any ward thereof, shall illegally endeavor to vote or who shall vote for and instead of another elector, may be arrested on view by the returning officer or by any justice of the peace in the said city, or by any other peace officer or constable present at such election or on warrant issued by any justice of the peace ; and the person so arrested shall be taken to and kept in a safe keeping or confined in the common gaol of the district of Montreal until the end or close of the election, and until good and sufficient security be given that such person so arrested shall appear and answer to the charge to be preferred against him in that respect, before the recorder's court ; and every such person shall, upon conviction of the offence aforesaid, incur and pay a fine not exceeding one hundred dollars and, in default of immediate payment shall be liable to an imprisonment not exceeding three months in the common gaol, for each and every such offence, unless the said fine be previously paid.

Fine.

Election may be annulled owing to corrupt practices. **57.** If, upon the contestation of any election under this act, it is established to the satisfaction of any court or judge, that any corrupt practice has been committed during such election by the person returned, or by his agent, whether with or without his actual knowledge and consent, such election (subject to the exception hereinafter provided for) shall be, and be adjudged to be, void ; that is to say, save and except in the case of a corrupt practice or practices having been committed by an agent, without the knowledge or consent of the candidate ; if the court or judge should declare and adjudge that such corrupt practice or practices was or were not of sufficient extent, or of such a nature, either alone, or in connection with other illegal practices at the election

Proviso.

as to have affected, or as could reasonably be supposed to have affected, the result of such election, the election may be maintained.

58. After the closing of the polls, the board of revisors shall meet in the city hall, and shall ascertain, from the reports made by the deputy-returning officers, the total number of votes recorded for each candidate for the office of mayor, or alderman, and shall make a report in writing to the city clerk, signed by the majority of the board declaring the person having the greatest number of votes for the office of mayor, to be elected mayor, and the person, having the greatest number of votes for the office of alderman in the contested wards, to be elected aldermen, and thereupon the city clerk shall forthwith give public notice of such election. In case of equality of votes in respect of either of the said offices of mayor or alderman, the council shall determine which of the persons shall be elected.

Revisors to meet at close of polls to count votes.

59. The fees to be allowed to each deputy-returning officer and poll clerk, for their services at any such election shall be as follows: to the deputy-returning officer, four dollars; to the clerk, two dollars.

Fees.

TITLE VII.

CONTESTED ELECTIONS.

60. Any person, qualified to vote at the election of mayor or alderman, may present to any one of the judges of the Superior Court, sitting in term or in vacation, a petition, (*requête libellée*,) complaining of the election and return of any person as mayor, or alderman, at whose election he had a right to vote, and praying either for the annulling of such election, and that a new election be ordered: or for the annulling of the election, and for a judgment declaring some other person to be duly elected in the place and stead of the person returned. And such petition may be based upon all or any of the following grounds:

Form of procedure.

1. That the person returned did not receive the majority of legal votes at such election;
2. That he was not qualified to be elected as such mayor or alderman, as the case may be;
3. That he was guilty of corrupt practice within the meaning of this act, either in person, or by an agent, with or without his authority, knowledge or sanction.

Allegations of petition.

To be supported by affidavit.

61. Such petition shall set forth, in a summary manner, the time, place and circumstances of any act, matter or thing, material to the conclusions of such petition; and the allegations thereof shall be supported by affidavit to the satisfaction of the judge, who shall thereupon cause a writ to be issued, summoning the person returned as being elected, to appear on a day named therein to answer to the said petition.

Delay to receive petition.

But no such petition shall be received after the expiry of the period of thirty days from the polling day for such election, or if no poll was held, after the expiry of thirty days from the day of nomination.

Security for costs.

62. Upon the return day of such writ or within three days thereafter, the contestant shall give security for costs, after due notice to the defendant, in the manner in which such security is ordinarily given in cases in the said court. But any sureties offered shall justify on oath as to their sufficiency to the extent of five hundred dollars, and the defendant may then and there examine them on oath before a judge in chambers, as to their sufficiency.

Case to be proceeded with summarily.

63. Upon security being given, the case shall be proceeded with, and disposed of in a summary manner, and, as far as practicable, as well with regard to the merits, as to all matters incidental thereto, shall be dealt with according to the ordinary procedure of the said court in proceedings upon prerogative writs. And if, upon the issues raised upon any petition, it is necessary to count, or to examine, or otherwise to deal with the ballot papers used at the election, or to examine or deal with the poll books or other documents connected therewith, or with the officials conducting or acting in respect of such election, the court or judge shall, for such purposes, or any of them, have all the jurisdiction, power and authority vested in the court or any judge thereof in similar matters, by the Quebec Controverted Elections' Act, chapter III, title II of the Revised Statutes.

Power of court if ballots, etc., to be examined.

No appeal.

64. There shall be no appeal whatever from any judgment rendered upon any petition, *requête libellée*, presented under this act, nor shall any such judgment be inscribed for revision, or be revised or reconsidered before the Superior Court, sitting as a court of review.

No other manner of contestation.

No such election shall be contested in any other manner, or by any other procedure, than in the manner hereinbefore provided.

65. It shall be the duty of the contestant to cause an authentic copy of the judgment upon the petition, to be served upon the city, by leaving a copy thereof with the city clerk. And, if by such judgment the election of the defendant is set aside and some other person declared duly elected, such other person shall be received and recognized by the council; but if the election contested be thereby adjudged to be annulled, the seat of the defendant shall be dealt with as vacant, and proceedings for a new election to fill such vacancy shall be forthwith taken in accordance with the provisions of this act.

Copy of judgment to be served upon city.

Proceedings thereafter.

TITLE VIII.

MEETINGS OF COUNCIL.

66. The council shall meet regularly once a month, that is to say : on the second Monday of each month.

Monthly meetings.

The members shall receive notice thereof and of the business to be transacted thereat, in the same manner as hereinafter provided for special meetings. The meetings of the council shall be held with open doors.

Notice thereof.

67. The mayor may call a special meeting of the council when and as often as he may deem proper; such meeting may be convened upon verbal or written intimation from the mayor to the city clerk, who shall thereupon issue a notice of attendance under his signature, summarily specifying the business to be transacted at such meeting, and shall cause a copy thereof to be delivered to every member, or left at his usual place of abode, two days at least prior to such meeting.

Special meetings.

68. In case the mayor at any time refuses to call such special meeting when deemed necessary by at least five members, it shall be lawful for such members, by a requisition to that effect signed by them, to order the meeting to be called; and such requisition shall be sufficient authority to the city clerk to issue the notice to the members, provided such requisition shall specify the business for which the meeting is called.

Upon refusal of mayor, meeting may be called by five members.

69. At such special or monthly meetings no business but that specified in the notice shall be considered or disposed of, except with the sanction of the mayor, and the concurrent vote of all the members present.

Business to be considered.

70. At any special or monthly meeting, when the business before the meeting cannot be fully disposed of, it shall

Adjourned meetings.

be competent for the council to adjourn the meeting from time to time, and as often as may be deemed necessary for the consideration and disposal of the unfinished business: But, except with the consent of all the members present, no new business shall be brought before, or be considered at any such adjourned meeting, or any other subject than the unfinished business of the previous meeting.

Who shall pre-
side.

71. The mayor shall preside at all meetings of the council, and shall have a casting vote in case of an equality of votes, but no other; if the mayor and acting mayor should be absent from any meeting, the council shall choose one of its members to preside.

Quorum.

72. One-third of the members of the council, exclusive of the mayor, shall constitute a quorum for the transaction of business, except for the passing of a by-law, when two-thirds of the members, exclusive of the mayor, must be present.

Majority to
decide ques-
tions.
Exception.

73. At meetings of the council, the majority of the members present shall determine the questions and matters submitted thereto, except in those cases where a larger number of concurrent votes may be required under the rules of the council.

Rules and re-
gulations.

74. The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings, which shall be binding on all parties concerned.

Order and de-
corum.

75. 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 from thence brought before the recorder, to be dealt with according to law.

Penalty.

76. Any person who, in any manner whatsoever, disturbs the order or proceedings of the council, or behaves in a disorderly manner at a meeting of the council, shall, on conviction, for every offence, incur a fine not exceeding twenty dollars.

Minutes of
council.

77. The minutes of the proceedings of meetings of the council shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the mayor or member presiding at such meetings; and they shall be open to the inspection of all rate-payers.

78. All extracts, from the book required to be kept by the preceding section, and all copies of entries therein, and, generally, all certificates, deeds and papers, certified or signed by the mayor, and countersigned by the city clerk, and under the seal of the city, shall, in all courts of justice in the Province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers respectively.

Extracts from minutes valid, &c.

TITLE IX.

OFFICERS OF THE COUNCIL.

79. The council shall appoint such officers as it may think necessary to carry into execution the powers vested in it by this act, and may prescribe and regulate by by-law the duties of such officers respectively, and at its pleasure remove any such officer, and appoint another in his place. The council shall take such security for the due execution of the duties devolving upon the city treasurer and other officers charged with the collection of the city revenue, as it may think proper, and may grant to the officers, to be appointed as aforesaid, such salary, or other compensation for their services, as it may think fit.

Appointment of.

Security required in certain cases.

80. In addition to the persons already disqualified by this act from voting at elections for mayor and alderman, no officer or employee in the pay of the corporation, nor any member of the police force or the fire brigade of the city, shall be qualified to vote at such election.

Disqualified from voting.

TITLE X.

TAXATION.

81. The council may make by-laws to impose and levy :

Council to make by-laws.

1. An assessment on immoveable property liable to taxation in the city, not to exceed one and a quarter per cent of the assessed value of such property ; for which assessment the owner thereof shall be personally liable ;

Assessment on property.

2. A tax (to be called "business tax") on all trades, manufactures, occupations, business, arts, professions or means of profit or livelihood, which now are or may hereafter be carried on, exercised, or in operation by any person or company in the city ; provided that such business tax does not exceed seven and a half per cent on the annual value of the premises, in which such trades, manu-

Business tax.

factures, occupations, business, arts, professions or means of profit or livelihood are respectively carried on ;

Special tax.

3. A special tax on pedlars and carters doing business in the city ; on the owners of horses and vehicles for each and every horse and vehicle ; on brokers, money-lenders or commission merchants ; on pawn-brokers and auctioneers ; on clubs, keepers of inns, saloons or restaurants, brewers and distillers ; on theatres, circuses, menageries and minstrels, and on all public places of amusement kept open for profit ; on billiard tables, mississippi or pigeon hole tables, ten pin alleys and other similar games ; on livery-stable keepers ; and on ferrymen or steamboat ferries plying for hire for the conveyance of travellers to the city from any place not more than nine miles distant from the same ;

Fire insurance companies.

4. A special tax not to exceed four hundred dollars on every fire insurance company doing business and taking risks in the city ;

Life and other insurance companies.

5. A special tax not exceeding two hundred dollars on every life, marine, accident or guarantee insurance company doing business and taking risks in the city ; provided that when any such insurance company combines two or more branches of any kind of insurance, one tax only shall be levied upon such company, that is to say, the tax, the rate of which is the highest on the said branches of insurance respectively ;

Banks.

6. A special tax not exceeding four hundred dollars on every bank doing business in the city, with a paid up capital of one million dollars or less ; a tax not exceeding five hundred dollars on every such bank, the paid up capital of which is more than one million, but does not exceed two million dollars, and a tax not exceeding six hundred dollars on every such bank, the paid up capital of which is above two million dollars ;

Gas companies.

7. A special tax not to exceed five thousand dollars upon every gas company doing business in the city ;

No other tax or assessment may be imposed upon the said company, save and except such as may be imposed on the immoveable property of such company ; but in no case shall the city be held as having the right to impose a tax or assessment on the pipes laid in the streets by the company.

Telegraph companies.

8. A special tax upon every electric telegraph, telephone or electric light company, the maximum of which is fixed at four hundred dollars.

Taxes when payable.

8¹². Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually and at the time fixed by such by-laws ; and every special tax afore-

said shall be paid in addition to the business tax, wherever such business tax is payable.

83. The cadastral number, given to immoveable property upon the official plan and in the book of reference for the territorial division in which such property is situated, shall be a sufficient description of such property in the assessment rolls to enable the city to levy the assessment thereon. Cadastral number sufficient to describe property.

84. Whenever the subdivision of such property shall not have been duly registered in the registry office, in the limits whereof such property is situated, the assessors may assess it as a whole, and it shall be lawful for the city to levy such assessments on the whole or on any part of such property; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately. When property is subdivided.

85. The tax imposed in subsection 2 of section 81, on trades, business or occupations, shall be payable for every establishment of such trade, business or occupation in the city, when it shall be carried on by the same person, firm of persons or company in two or more distinct and separate buildings or places of business. Tax payable for every branch of business.

86. Every special tax imposed as aforesaid may, in the discretion of the council, be imposed and levied in the form of a license; and thereupon such tax shall be payable annually, at such time, and under such conditions and restrictions as the council may determine. Special tax may be levied in form of license.

87. In the case of any tax imposed on the partner of a firm or company of merchants, in respect of the business of such firm or company, such tax may be claimed and recovered in the manner described for the recovery of assessments or taxes imposed by the council, either against such partner, or against the firm or company of which he is partner. Tax on partners.

88. Churches, parsonages, bishops' palaces, charitable institutions, free public libraries, and schools under the control of the Catholic and Protestant school commissioners, and other educational establishments, are exempt from the ordinary and annual assessments, but not from special assessments or water rates; the word, "parsonages," shall apply to any house occupied as a residence by the officiating priest or minister of any church in the city, either as proprietor or tenant; provided, however, that but one Exemptions.

parsonage for each church shall have the benefit of the exemption

Exemptions
not applicable
in certain
cases.

89. When any immoveable property, within the city, is exempt from the payment of the ordinary and annual assessments, either under this act, or under any other law or statute, and is occupied by any person otherwise than in an official capacity connected with the ground of such exemption, the tenant or occupant of such property shall be assessed in respect thereof to the extent to which such property would have been chargeable if not exempted; but the property itself shall not be liable for such assessment.

TITLE XI.

COLLECTION OF TAXES AND ASSESSMENTS.

Assessors.

90. The council, in December of each year, shall appoint six assessors, with power to the council to increase or diminish their number, from time to time, by by-law; and thereafter the council may dismiss any of them who shall fail in the performance of his duty; and may fill any vacancy which may occur in their number; and such assessors shall hold office till their successors shall have been appointed. The remuneration of such assessors shall be fixed, from time to time, by the council.

To be sworn.

Prior to acting as such, the assessors shall take and subscribe before the mayor or any alderman the oath of office (in the form H.)

Assessment
roll.

91. The assessors shall, every year, value and assess all immoveable property in the city, and make return also of the names of all persons liable to pay any tax or assessment, specifying the amount payable by every ratepayer, according to law.

Mode of as-
sessment.

92. In assessing immoveable property, they shall take as the basis of their assessment, the actual value of such property at the time of making the assessment; they shall moreover specify and include, in the assessment roll, the *bonâ fide* rent of such property, or if they consider that such rent does not represent, or is disproportionate to, the annual value of such property, they shall insert, in the assessment roll, the actual annual value thereof.

Co-tenants.

It shall be their duty, in case several tenants occupy a property, to establish the proportion which each such tenant or sub-tenant has to pay, of the total amount of the tax or assessment imposed upon such property;

If the property is occupied by, or is in the possession of the owner, they shall determine the rent, according to the amount at which, in their judgment, the property might be rented, or ought to produce, if rented; provided always that the council may fix an amount as the basis of valuation, during a given number of years, not to exceed twenty-five years, for the assessment to be levied on property in the city held by any railway company, to be used as workshops for the manufacture, on a large scale, of cars, locomotives or machinery.

93. When the assessors assess property possessed *par indivis* by more than one person, or the partition whereof has not been registered in the registry office, it shall be lawful for them to designate such property as belonging to "the *Estate of* _____," mentioning the name of the *auteur* of the interested parties, or the name of one of the co-proprietors thereof; and the co-heirs, in the case of a succession, or co-proprietor, so named, as the case may be, shall be held to pay the assessment; saving their or his recourse against any other person liable therefor.

94. The finance committee may, from time to time, make rules and regulations regulating and determining the time when the assessors shall annually begin their duties, the manner in which they shall perform them, and generally prescribe, regulate and determine their duties and obligations in all respects.

95. Any person who refuses to reply to the questions which are put to him by any assessor in the discharge of his duties; or who gives him information which he knows to be false; or who insults or assaults such assessor; or refuses to allow him, in the discharge of his duties, to enter in or upon his property, or the premises occupied by him; shall for each offence incur a penalty not exceeding twenty dollars, to be recovered before the recorder's court.

96. Upon the completion of the assessment roll of any ward or wards, the assessors shall give notice of such completion by advertisement, specifying in such notice the delay for examining such assessment roll, which shall not be less than eight days from the date of the last insertion of such advertisement, and fixing the days on which such assessment rolls will be revised respectively.

97. On the days fixed by such notice, the assessors shall meet in their office in the city hall, and shall hear

and examine all complaints that may be brought before them, in conformity with such notice, respecting any entry in such assessment roll, and may adjourn from time to time, as may be necessary to hear and determine such complaints ; and it shall be the duty of the assessors to hear and examine, on oath, such person, and any witnesses appearing before them ; and they shall consider all evidence adduced touching such entry, and thereupon confirm, or amend such entry ; and they shall notify the complainant thereof, by causing a written or printed notice to that effect to be mailed to him through the post office.

No complaint to be received after certain delay.

No complaint, as to any entry in any assessment roll, shall be received after the day fixed for the examination and revision of such roll.

Record of proceedings.

The assessors shall keep a summary record of their proceedings upon all complaints made to them.

Appeal to the Recorder's court.

98. Any rate-payer having complained of any entry, who may think himself aggrieved by the decision of the assessors, may thereupon, within one week from the date of the mailing of such notice, appeal from such decision by petition to the recorder's court, which shall have jurisdiction in all such cases. All such petitions, together with a certified copy of the proceedings had in each case before the assessors, shall be filed with the clerk of the recorder's court, who shall give each petitioner due notice of the day and hour when the said court will proceed to hear and determine the merits of the complaint : for which purpose evidence may be adduced on both sides, upon the matters at issue.

Further appeal to Superior Court.

99. Any party aggrieved by any decision of the recorder's court upon such appeal, may apply by summary petition for a revision thereof, to any one of the judges of the Superior Court, either in term or vacation, within a delay of eight days from and after the date of the rendering of such decision ; and thereupon such judge shall order that the record of the proceedings of the recorder's court on the complaint, together with the complaint itself and the evidence adduced before such court, be transmitted to him ; and upon receipt thereof, he shall, after having heard the parties, either in person or by attorney, give such order as to law and justice may appertain.

Rolls to be delivered to city treasurer.

100. When the assessors have completed the examination and revision of the assessment roll of any ward, they shall deliver the same, certified and signed by them to the city treasurer ; and thereupon, except in respect of any

case appealed from, such roll becomes binding upon all persons named or assessed therein, and they shall be held to be indebted to the city in the sums fixed by such roll respectively.

101. Upon the delivery by the assessors of such assessment roll for any ward, or of any roll of assessment, made under the provisions of this act, the city treasurer shall give public notice thereof (in the form J.) Treasurer to give notice.

102. If at the expiration of ten days from the date of the last insertion of such notice, any tax, or assessment remains unpaid, the treasurer shall cause to be mailed to the last known address of the person owing such tax or assessment, a statement of the taxes and assessments due, and shall at the same time, in and by a notice annexed to such statement, demand payment of the taxes or assessments therein mentioned (in the form K.) Special notice to parties in arrears.

103. If, any rate-payer neglects to pay the amount of taxes, or assessments due by him, for the space of fifteen days after the mailing of such notice and demand, the treasurer may levy the same with costs and interest, by warrant to be issued by the recorder's court (in the form L.) authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of any goods and chattels in his possession, wherever the same can be found in the city, saving the exemptions provided by law; and no claim of ownership or privilege thereon shall be available to prevent the sale thereof for the payment, out of the proceeds thereof, of taxes or assessments due in respect of the premises in which such goods and chattels were or are located. Seizure in case of non payment.

104. Before proceeding to the sale of such goods and chattels, the treasurer shall give notice (in the form M.) of the day and place of sale, and of the name of the debtor in default, which notice shall be posted in a conspicuous place at the entrance of the city-hall, and a copy thereof mailed to the last known address of the person in default, at least forty-eight hours previous to such sale. Notice to be given.

105. No larger quantity of goods and chattels shall be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article seized it is impracticable so to limit such sale. If the goods and chattels seized are sold for more than the whole amount of the said taxes or assessments and the costs attending the seizure and sale, the surplus shall be Quantity of goods to be sold. Surplus of proceeds of sale how disposed of.

returned to the person in whose possession such goods and chattels were, when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus shall be paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer until the respective rights of the parties be determined by the recorder's court.

Provisions applicable to water rates.

106. The provisions contained in the preceding sections, as regards the collection of taxes and assessments shall apply *mutatis mutandis* to the collection of water rates that may be due to the city.

TITLE XII.

SALE OF IMMOVEABLE PROPERTY FOR TAXES AND ASSESSMENTS.

Treasurer to prepare schedule of

107. It is the duty of the city treasurer to prepare before the first day of May, every year, a schedule containing:

Property in arrears for taxes.

A legal description of each immoveable in the city, on which at least two years arrears of taxes, assessments and water rates have accrued at the time of the passing of this act, or may hereafter become due, or on which any such taxes, assessments or water rates have been in arrear for one year, with the names of the proprietors, as they appear in the different rolls of assessment, or with a declaration that such proprietors are unknown; also with a statement of the amount due in each case of the interest accrued thereon, and of the costs incurred thereon, and of the costs incurred in respect thereof.

Notice to be given to the debtor in default.

108. The city treasurer shall thereupon give notice, by registered letter, to each debtor in default; and if the ownership of the property has changed after the imposition of the tax or assessment in arrear, also to the registered owner thereof; such notices to be addressed to the last known residence of each of the said parties, stating the amount due, and that such property will be placed in the hands of the sheriff for sale, in default of payment of the amount, within ten days from the mailing of such notice.

Absentees.

If the debtor or the registered owner has no known domicile within the Province of Quebec, then and in that case, the formality of the notice shall not be required.

109. When the entry of a cadastral number in the registry office does not specify its owner, or when the title to the property is not sufficiently clear to make known such owner, the service of the notice as aforesaid upon the last assessed owner, if residing within the city, shall be valid; and if he is absent, no such notice shall be required.

When owner is not sufficiently described.

When the assessed immoveable is placed on the assessment roll as forming part of a succession, or as belonging to co-proprietors, the notice served upon any of the heirs or representatives of the said succession, or upon any of such co-proprietors, shall be sufficient.

When property belongs to a succession.

Every person without a domicile or place of business in the city, is deemed to be absent, within the meaning of this act.

Persons without domicile.

110. If the amount due for taxes, assessments, or water rates is not paid within the said period of ten days, the city-treasurer shall deliver such statement, duly certified, under his signature, to the sheriff of the district of Montreal, who shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of the properties described therein, after having published a notice thereof, as provided in the following section.

Statement to be delivered to sheriff.

111. The notice to be given, as aforesaid, by the sheriff, may be in the form N; it shall comprise as many immoveable properties as the sheriff has been required to sell, under the provisions hereof, for the levying of taxes, assessments and water rates in arrears with costs and interest, and such notice shall be published three times during two months, reckoning from the first publication and before the day fixed for the sale, in the Quebec Official Gazette and also in one English newspaper and one French newspaper published daily in the city; it shall also be posted, one month at least before the day fixed for the sale, in the portico of the city hall and on the property to be sold.

Form of notice by sheriff.

How published.

To be posted.

112. Immediately after the publication of the said notice as aforesaid, the sheriff shall transmit, to the registrar of the registration division in which such immoveables are situated, a copy of the notice of such sale, and of the descriptive schedule of the properties to be sold; and the registrar shall proceed thereon, in the same manner as he is bound to do upon notices for seizures of immoveables made by the sheriff under writs of *fieri facias de terris*.

Copy of notice to be sent to registrar.

Sheriff to exact deposit before adjudication.

113. Whenever any immoveable is offered for sale by the sheriff, under this act, he shall exact from the highest bidder, and before final adjudication, a sum equal to the amount of assessment or taxes due on such immoveable, with interest and costs, and also the approximate cost of the judgment of distribution to be prepared by the prothonotary of the Superior Court ; but if the amount bid is insufficient to cover such taxes and assessments, costs and interest, the amount to be deposited shall be only the amount of such bid ; and should the last bidder refuse or neglect to make such deposit, then the sheriff shall resume the sale, beginning with the next highest bidder. And all the remedies or procedure applicable to sales by the sheriff under writs of execution, shall also be applicable to sales under this act.

Date of sale.

114. Sales of immoveables as aforesaid shall take place on the fifteenth day of October in each year, or if such day be not a juridical day, then on the following juridical day.

Mode of procedure.

The immoveables shall be put up for sale one after the other, in the order in which they appear in the notice ; and, if, on the day of the sale, no bid is made, or if all the properties cannot be sold on the day appointed, the sale shall be postponed until the following day, and so on, from day to day, until they be all sold.

Proceeds of sale how disposed of.

The proceeds of the sale of such properties shall be returned by the sheriff into the Superior Court, to be by the said court adjudged upon, distributed and ordered to be paid according to law.

City officials cannot bid.

115. No employee of the corporation shall directly or indirectly bid for, or become the purchaser of any of such immoveables ; and if he shall do so, such bid or adjudication shall be void ; and the sheriff shall proceed in due course to re-sell the immoveable, subject to the obligation of the employee to pay any costs, or loss that may be caused by such re-sale.

When proprietors are unknown.

116. The procedure provided for in the preceding sections applies to all cases where the proprietors are unknown, except in so far as they require notice to be sent to, or served upon the proprietor ; and such proprietors shall be designated on the notice as " unknown. "

City dues privileged debts.

117. All moneys which, from and after the passing of this act, become due to the city, for any tax, assessment or water rate, are privileged debts, and rank, without registration, upon the proceeds of the moveable, or immoveable property in respect of which such debt is due, in the

order fixed and determined in articles 1994 and 2009 of the Civil Code of Lower Canada ; provided always that such privilege does not extend beyond the amounts due for three years, that is to say, for the year when such claim is made, and for the three years next preceding that year.

118. Legal interest accrues on all taxes, and assessments, and water rates, which taxes remain unpaid at the expiration of the delay within which such taxes, assessments and rates are respectively due and payable. It shall not be lawful for the council or any of its officers to remit any part of the interest so accrued. Interest.

119. The council may, by by-law, allow, at its discretion, such rate of discount, not to exceed five per cent, on taxes, assessments, and water rates paid, within such delay, after the completion of the assessment rolls every year, as it may fix and determine. Discount.

120. The right to recover any tax, assessment or water rate under this act is prescribed and extinguished, unless the city, within three years, in addition to the current year, to be counted from the time at which such tax, assessment or water rate became due, has commenced an action for the recovery thereof, or initiated legal proceedings for the same purpose under the provisions of this act ; and the privilege securing such tax, assessment, or water rate avails to the city, notwithstanding any lapse of time, for the recovery of any sum which may, by any judgment, be awarded to the city, for such tax, assessment or water rate : provided that in case any special assessment is made payable by annual instalments, the prescription runs only from the expiry of each such instalment. Prescription.

121. In any judicial proceeding, the production of a receipt, stamped with the official stamp of the city, and purporting to be signed by the city treasurer, or other person for him, shall be held and taken as *prima facie* evidence of the payment of any tax, assessment or water rate that may be due to the city. Official stamp.

TITLE XIII.

FINANCES.

122. The fiscal year in the city of Montreal shall commence on the first of January and terminate on the last day Fiscal year.

of December in each year; but the taxes and assessments, the school taxes, and the water rates shall be held to be imposed and levied for the period of time comprised between the first day of May of each year and the same date of the subsequent year.

Appropriations.

123. Every year, during the first week of January, the finance committee shall make an *interim* appropriation for the ordinary current expenses of the city, during the period of the fiscal year, between the said first day of January, and the making of the appropriation hereinafter provided for; which, on being approved by the council, will have force until such last mentioned appropriation is made. And thereafter, on or before the first day of May, the council shall make an appropriation of the amounts necessary to meet the expenditure of the current fiscal year, by providing:

1. For the payment of the interest on the debt due by the city, and for such sum as shall be required during the year for the sinking fund;

2. For the general and ordinary expenditure of the city;

3. For the cost of contemplated improvements;

4. For a reserve of not less than five per cent on the gross revenue of the preceding year to be used exclusively to meet unforeseen wants.

Limitation of appropriations.

124. Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the balance of such receipts, remaining unexpended.

Expenditure not to exceed appropriations.

125. It shall not be lawful for the council, to expend any greater sum of money in the aggregate than the total amount so appropriated, except in the cases and under the conditions hereinafter set forth; but it may at any time vary the application of the sums appropriated to any committee, to any other purpose within the jurisdiction of such committee.

Penalty on members voting for such excess.

126. Any member of the council who joins in sanctioning the expenditure of any sum of money beyond the amounts so appropriated and the amounts at the disposal of the council, or of any committee, in conformity with the foregoing sections, shall be personally responsible therefor.

Special appropriations.

127. In cases of urgent necessity, the council may by by-law make any appropriation it may think necessary beyond the amounts at its 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, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act

TITLE XIV.

CONSOLIDATION OF THE DEBT.

ISSUE OF DEBENTURE STOCK.

128. The city may issue permanent debenture stock, City may issue debenture stock. payable either in currency or sterling, to an amount not exceeding fifteen per cent of the value of the immoveable property within its present or future limits, such value to be taken as established, from time to time, by the assessment rolls of the said city, made and in force for the time being; such debenture stock to bear interest at a rate not exceeding four per cent per annum, and to constitute a first and privileged charge upon the property and revenues of the city; subject always however to the prior charge of the presently existing outstanding bonds and consolidated stock, in so far as the same shall remain un-redeemed.

129. The city in making such issue, from time to time, shall set apart and retain a portion thereof sufficient to produce, at the market price of such issue on the London stock exchange, a capital equivalent to the then existing debt. Portion to be set apart.

Such portion, or the proceeds thereof, shall be used exclusively for the extinction, by exchange, redemption, purchase or re-payment of the existing debt and permanent stock respectively, in such manner as shall be determined by the city; provided that nothing herein contained shall be held as authorizing the said city to compel any of its creditors or stockholders to accept payment of his debt before the maturity thereof, or of any irredeemable stock heretofore issued by the said corporation. Proceeds thereof applied. Proviso.

130. The remainder of the issue hereby authorized shall be used for permanent and other works, as at present provided under existing statutes, that is to say :—(1) water works, (2) drainage, (3) street opening or widening, (4) street paving and sidewalks, (5) fire and police stations, (6) public markets, (7) permanent works to prevent inundations, (8) hospitals for epidemic diseases. Remainder how applied.

By-law to regulate issue.

131. Before making the said issue, the city council shall make a by-law regulating the manner, and limiting the amounts, in which such issue may be made, the place or places where the interest thereon will be payable, and where such debenture stock may be registered; the mode and effect of the registration thereof and the mode of evidencing such registration; the transfer or transmission of such stock and the issue of certificates therefor; the closing of the registers and transfer books; and all other matters of detail concerning such debenture stock, not being contrary to law or to the provisions of this act. And such by-law shall constitute the basis of issue of such debenture stock, and shall not be altered or amended, but shall remain in force so long as any of such stock remains outstanding.

Transfers.

Cancellation of old bonds.

132. The bonds and securities of the city, already redeemed by means of the sinking fund heretofore created, shall be forthwith cancelled and destroyed, and it shall not be necessary in future to provide for the redemption of the existing debt of the said city, otherwise than by the issue of debenture stock under the powers hereby conferred upon it.

Repeal of inconsistent provisions.

133. The borrowing powers heretofore granted to the city shall cease upon the passing of this act; and all provisions of any previous acts inconsistent with this act are hereby repealed. But such of the said provisions as may apply to the registration, privilege, ranking and transfer of any stock or bonds of the city now outstanding, shall continue to have force and effect as respects such stock and bonds only.

Proviso.

Treasurer may strike a rate applicable to pay interest or principal of loans.

134. If it happens at any time that the moneys in the hands of the city treasurer, applicable to the payment of the interest or of the principal of any of the loans heretofore authorized and made, or of any interest due upon any debenture stock issued under this act, is insufficient to pay such interest or principal, it shall be the duty of the treasurer to calculate what rate upon the assessed value of the immoveable property liable to assessment in the city, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such rate,) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such interest, or principal, or both, and to certify such rate under his hand to the city clerk, for the information of the council (in the form O.)

Form of certificate.

135. Such certificate, shall have the like effect as a by-law of the council lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all officers of the corporation and by all others ; and the said rate shall be forthwith levied and collected accordingly, and in addition to any other rates lawfully imposed by any by-law of the council.

Effect of such certificate.

All the provisions of this act respecting the privileges, prescriptions, procedure and remedies applicable to ordinary assessments shall apply to the rate herein provided for.

Certain provisions applicable.

136. On the issuing of a writ of execution, commanding the sheriff to levy any sum of money due by the corporation for the interest or principal of any loan heretofore made by the city, or for the interest on any debenture stock issued under the provisions of this or any previous act, the plaintiff may require, and the court may order, that such execution be levied by rate ; and, if such order is made, the sheriff shall cause a copy of such writ to be served upon the city treasurer.

Execution may be levied by rate.

Copy of writ to be served on treasurer.

If the money therein mentioned, with all the lawful interest and costs, which the sheriff is commanded to levy, is not paid within one month, from the time of such service, the sheriff shall himself calculate, as nearly as may be, what rate upon the assessed value of the immoveable property liable to assessment in the city, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such rate, be required to produce a net amount equal to the sum, interest and costs he is commanded to levy.

Duty of sheriff if money be not paid in time.

He shall certify such rate under his hand to the city clerk for the information of the council, in the manner and form, *mutatis mutandis*, prescribed for the certificate of the treasurer in the next preceding sections ; and thereupon such certificate shall have the same effect, in all respects, as the certificate of the treasurer hereinbefore provided for.

Sheriff to certify rate.

All the provisions of this act, respecting the levy and collection of a rate under the certificate of the treasurer, shall apply to the levy and collection of a rate under the certificate of the sheriff.

Provisions applicable.

137. It shall be the duty of the treasurer, assessors, and other officers of the corporation, to produce to the sheriff, on his demand, all assesment-rolls, papers and documents requisite for enabling him to fix the rate hereinbefore mentioned, and to give him any information or

Duty of city officers as regards rate.

assistance which he may require for the purposes thereof ; and such officers shall, for all the purposes of this and the preceding section, be deemed officers of the court out of which the writ issued, and amenable to and punishable by such court accordingly, in case of any failure to perform any of the duties hereby assigned to them respectively.

Proceeds of rate to be paid over to sheriff.

138. The proceeds of the said rate shall, by the treasurer, be paid over to the sheriff, who shall apply the same to the satisfaction of the debt, interest and costs he was commanded to levy, and, if there be a surplus, it shall be paid back to the treasurer, and applied to the general purposes of the city.

Powers respecting aid in improvement of Harbour of Montreal which may be granted.

139. If at any time the council should determine to aid in the improvement of the Harbour of Montreal, either by contributing to works appertaining to the harbour and wharves, or by opening or widening streets, ramps or tunnels adjacent or leading thereto, erecting or improving the dyke or otherwise, or in any or all of such methods, the council may, by by-law, declare and describe the nature of the intended aid, and the amount to be therein expended, not exceeding, in the aggregate, one million dollars ; and may thereby provide for the issue of bonds or debentures to the required amount, constituting a lien and charge upon the property and revenues of the city next after the lien and charge hereinbefore created to secure the permanent debenture stock, issued or to be issued, under the provisions of this act ; such bonds or debentures to bear such rate of interest and to be payable at such times and place as shall be determined by such by-law ; but such by-law shall have no force or effect until after it shall have been submitted to, and approved by the municipal electors of the city, by a vote thereof to be taken in such manner as is provided by law.

TITLE XV.

BY-LAWS.

Power of council to make certain by-laws.

140. The council may make by-laws for the good government, peace, welfare, improvement, cleanliness, health and internal economy of the city, and for the preservation of order therein ; and for the prevention and suppression of all acts and proceedings obstructive thereof or disadvantageous thereto ; and without limiting the effect and purview of the authority hereby granted, such by-laws may be so made for the following, among other purposes, namely :

1. To restrain gaming, either by betting, or games of Betting, &c. chance, or by colorable sales, or purchases of stocks, shares, or merchandise, without the intention actually to purchase, sell, deliver, or receive the article purporting to be sold ; and also to make any special provision for enforcing, through its officers, the laws against gaming ;

2. To prevent any riot, disturbance or disorderly assemblage ; Riots.

3. To prohibit cock fighting and dog fighting and other similar sports ; Cock fighting.

4. To prevent and punish immoderate driving and horse racing in the streets ; Immoderate driving.

5. To prohibit prize fighting, boxing matches or sparring exhibitions ; Prize fighting.

6. To prohibit the ill treatment of any animal ; Cruelty to animals.

7. To prohibit fortune telling and the use of any subtile craft, means or device, by palmistry or otherwise, to deceive and impose upon any of Her Majesty's subjects ; Fortune telling.

8. For the proper observance of Sunday, and to prevent the opening of public places of amusement in the city on that day ; Sabbath observance.

9. To prohibit the selling by shop keepers, pedlars, hotel keepers, tavern keepers or other persons, on Sunday, of goods, wares, merchandise or intoxicating liquors, or the purchasing or drinking thereof, in any hotel, tavern or place of public entertainment ; and also to enforce the closing of saloons and taverns, from seven o'clock or any hour later on Saturday evening, until Monday morning ; but the council may allow, under such restrictions as provided therein, the sale of fruits, cigars, confectionery and temperance drinks on Sunday, as well in the city and St. Helens' Island Park ; Sales, &c., on Sunday.

10. To prohibit games of billiards, pool, mississippi, pigeon-hole, ten pins, bagatelle and other like games, on Sunday, in establishments, where spirituous liquors are sold ; Games prohibited in taverns on Sunday.

11. To prohibit the disturbance of any congregation or assembly for religious worship, and to prohibit the distribution of printed hand bills or circulars at church doors on Sundays ; Religious assemblies not to be disturbed.

12. To license and regulate the posting of bills and placards ; to prohibit the posting or exhibiting of indecent or offensive placards, paintings, drawings, statues, or inscriptions, in any street or public place, or in any store or any place visible from such street, or public place ; Bill posting.

13. To license, regulate or prohibit musical saloons or establishments where intoxicating liquors are sold and wherein instrumental or vocal music is used as a means Musical saloons.

Itinerant play- of attracting customers ; to license or prohibit the use, by
ers. itinerant players of hand organs, or other musical instru-
ment, for pay or in expectation of pay, in any of the
Immoral exhibi- streets or public places ; to prohibit the sale or exhibition
tions. of any lewd book, picture or other thing of an immoral
or scandalous nature, or the performance of any indecent
or immoral play or representation ;

Circus and theatricals, &c. 14. To license and regulate the holding of exhibitions
of common showmen, shows of every kind, exhibitions of
natural or artificial curiosities, caravans, circuses, theatrical
performances, minstrels, and any other like exhibition ;
with power to prohibit any such exhibition if deemed
expedient ;

Board of health. 15. To establish a board of health, with such privileges,
power and authority, as the council may deem fit ; to take
means to promote the health of the city ; to provide pre-
cautionary measures against the introduction of diseases ;
to make regulations for preventing contagion or infection
therefrom and for diminishing the danger thereof ; and to
define and regulate the duties, powers and attributions of
the health officers ;

Vaccination, &c. 16. To enforce a complete and efficient system of vac-
cination ; to establish offices for that purpose, to appoint
officers, to authorize them to make domiciliary visits, to
destroy the linen, clothing and any other articles infected
with small-pox or any other contagious disease ; to isolate
patients labouring under any such disease, whensoever
the said officers shall deem it necessary for the welfare
of such patients, or of the public at large ; to cause any
person who shall have died of any such disease, to be
buried within a short delay, and generally to take such
measures, as the council may deem necessary, to regulate,
control, prevent or arrest the progress of small-pox or
other contagious, endemic or infectious disease, any law
now in force to the contrary notwithstanding ;

Mortuary sta- 17. To compel the superintendent of any cemetery in
tistics. the city, or in any of the adjoining municipalities, to
make and deliver to the corporation, regular returns of all
persons buried in such cemetery ; to regulate the manner
and form in which such returns may be made ; to exact
that, in all cases of death occurring in the city, the attend-
ing physician, or (in the absence of a physician) a member
or friend of the family, shall, within such time and under
such penalty as the council may determine, furnish to such
superintendent a certificate signed by such physician,
member or friend, stating the name, surnames, age, birth-
place, date, place of death, and the nature of the disease ;
and also to provide such other means of obtaining correct
and reliable statements or information in reference to

the mortality and its causes as the council may deem necessary ;

18. To prohibit all interments in the city, with the exception of priests and nuns who may be interred in Catholic churches in the city ; Interments.

19. To regulate or to prohibit the erection, use or working, in the city, of unhealthy, unwholesome, dangerous and obnoxious factories or establishments, and amongst others soap and candle factories, and factories of a like nature, wherein the rendering of tallow is carried on, or of lime kilns, of bone-boiling or bone-burning establishments, or of any oil or oil-cake factory, india rubber or oil-cloth factory, dyeing establishment, slaughter-house, butchery, tannery, brewery, distillery, gas-works, blue, glue or varnish factory, petroleum or coal-oil refinery or warehouse, roofing composition factory, fire-works factory, friction-matches factory, chemical works, alcohol rectifying establishment and all other factories and work shops of any kind whatsoever, the working of which may endanger the public health or safety ; and to prevent the working of the establishments at present existing, in the city ; provided that such establishments are not conducted in accordance with the provisions of any by-law of the city. Unhealthy establishments.

To impose a fine of one hundred dollars for the violation of any by-law made under the authority of this subsection, and, in default of immediate payment of the fine and costs by the offender, an imprisonment not exceeding two calendar months, unless the fine and costs shall have been paid before the expiration of such period ; and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ; but, before any prosecution shall be instituted against any person for the violation of the by-law, the council shall give to such person a notice of six months, to be signed by the city clerk ; and such notice shall be valid as well against the person accused of violating such by-law, as against any person who may afterwards acquire the business or manufactory complained of, or the property wherein the same is carried on ; Penalty

20. To compel persons owning or using steam engines, steam boilers, factories, chemical works, or other work-shops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment ; and to impose a fine of one hundred dollars for the violation of any by-law made under the provisions of this subsection, and, in default of immediate payment of the said fine and costs by the offender, an imprisonment not ex- Steam engines, &c., to be provided with smoke consuming apparatus. Penalty.

ceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of fifty dollars per day for each and every day the offender shall continue in the violation of such by-law ;

Stagnant
water.

21. To compel the proprietor or occupant of any lot of land having stagnant and filthy water upon it, or that is in any condition dangerous to the public health, or the agent of the proprietor of such lot, or any person having charge thereof, in the absence of the proprietor, or in case the proprietor cannot be found, to drain off such stagnant and filthy water, or to fill up and properly level such lot ;

When owner
of lot cannot
be found.

22. To provide that in case the owner of such lot cannot be found and there be no person in the occupation thereof, and no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same when so directed by the proper officer of the council, or be unable for want of means, to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the corporation to have the same done, and to provide that the amount expended thereon shall be a special charge upon such lot and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon ;

Unfenced lots.

23. To compel the proprietor of any lot of land in the city to fence in or enclose the same, and to regulate the height and quality of every such fence or enclosure ;

Nuisances.

24. To prohibit any person from depositing in the city, any filth, dirt or other offensive matter whatsoever, and to compel the removal thereof, by the owner or occupant of the premises on which the same may be ; and, in default of his so doing, to authorize the removal or destruction thereof by the proper officer, and to recover the cost of such removal or destruction from the party refusing or neglecting so to do ; subject to his right to recover the amount so paid by him from the person making such deposit ;

Teasing of
wool, &c.

25. To prohibit the teasing of wool, hair, and other like articles, and the collection of rags ;

Pigs.

26. To prohibit the raising, keeping or feeding of pigs in the city, or in such sections of the city as the council may determine ;

Articles sub-
ject to confis-
cation.

27. To authorize the seizure and confiscation of all or any articles of food and effects offered for sale in the city for or on account of deficiency in measure, weight or quality ;

Bread.

28. To regulate the sale, weight and quality of bread to be sold or exposed for sale in the city, and all things

concerning the inspection of bread, its seizure, and the manner of disposing of the same after such seizure and confiscation ; and to authorize for that purpose, any police officer to enter into bakers' or other shops where bread is sold, and to stop bakers' vehicles in the streets for the purpose of examining and testing the weight of bread ;

29. To regulate the sale, quality and inspection of milk, ^{Milk} and to authorize its seizure and confiscation, with the same powers to the police or health officers as are conferred in the preceding subsection ;

30. To regulate the sale, by weight or otherwise, of all ^{Sale of articles} articles sold or offered for sale or delivered in the city ; ^{by weight, &c.}

31. To regulate junk stores and shops for the sale or ^{Junk stores.} purchase of second hand goods or merchandize, and to authorize and regulate the granting of licenses to persons keeping such stores or shops ;

32. To establish and regulate public markets ; to license ^{Markets.} private butchers' or hucksters' stalls ; and to restrain the sale of fresh meats, vegetables, fish and other articles usually sold on markets ;

33. To determine the powers and duties of the clerks ^{Market clerks} and other officers employed on the public markets ; to regulate the renting of the stalls and the duties to be paid by persons selling, or exposing for sale on the markets, meat, vegetables, fruits, or any other thing whatever, and also the weighing of meat and any other articles sold or offered for sale on the markets ; to regulate the sale of ^{Sale of} horses, and to impose a tax on horses sold or exposed for ^{horses.} sale by horse-dealers in the city ; and to fix the rates to be paid therefor ;

34. To regulate the character of the vehicles in which ^{Vehicles on} articles may be exposed for sale on the markets, and the ^{markets.} manner in which they shall be located on the markets ; to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected ;

35. To regulate the duties, powers and attributions of ^{Inspector of} the inspectors of meat, and to authorize the seizure, ^{meat.} confiscation and disposal of any meat, or other article of food found to be unwholesome ;

36. To provide that provisions and provender, usually ^{Provisions to} bought and sold in public markets, that may be brought ^{be conveyed} to the city for sale, or any of them, shall be conveyed ^{to markets.} to the public markets and there exposed ; and that no such provisions or provender, shall be offered, or exposed for sale, or be sold or purchased elsewhere in the city, than on the public markets ; but the council may provide for ^{Private stalls.} empowering any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets,

and for granting him a license for that purpose, upon payment of such sum, and the performance of such conditions, as shall be fixed by by-law ;

Horned cattle. 37. To regulate the manner and route in and by which horned cattle shall be driven in the city, and the destination of cattle intended for slaughter ;

Change of market sites. 38. To change, enlarge or diminish the site of any market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence, or hereafter to be in existence in the city, and to appropriate the site thereof, or any part of such site, for any other public purpose whatever ;

Abattoirs. 39. To establish, regulate and administer public abattoirs, either within or beyond the city limits, that is to say : within a distance of three miles from such limits ; and to prohibit private slaughter-houses in the city ;

Public pounds. 40. To authorize the impounding of any cattle, horse, swine, sheep, or goat, found running at large in the streets or public places, and the sale of the same for the fine and expenses ; to fix a tariff of fines to be paid upon such impounding ; and to establish pounds for such impounding ;

Dogs. 41. To compel owners of dogs to take out a license for each and every dog, annually ; to authorize the destruction of mad, vicious or unlicensed dogs ; to punish every person who shall keep, or have in his possession a vicious dog, which shall bite or attack the passers by, or disturb the rest of the citizens ;

Streets, squares and parks. 42. To regulate the width of streets, and to establish or alter the level of any roadway, or sidewalk in any street ; to regulate all things concerning the streets, parks, (including Mount Royal park, St. Helen's Island and Logan's Farm), squares, bridges or drains, in the city, including the numbering of houses, buildings and fences in such streets, to protect the same from any encroachment or injury ; to close and discontinue any street ;

Encumbering streets. 43. To prevent the encumbering of and encroaching upon the streets and sidewalks ; to prohibit, regulate, or license the sale of any article or merchandise in streets or public places ;

Awnings, signs, &c. 44. To regulate the placing of awnings, signs, or show-boards ; to compel the owners thereof to abate the same, and to prevent the defacing of private or other property by notices posted thereon ;

Wheel tires of waggons. 45. To regulate the width of wheel tires of waggons or drays carrying heavy loads, and to prohibit the use of such vehicles in such streets or sections of streets as the council may see fit ;

46. To regulate the planting, rearing and preserving of ^{Trees.} ornamental trees in the streets, squares and parks of the city ; to compel any proprietor to plant trees in front of his property, under the direction of the city surveyor, and to authorize the city surveyor to cause such plantation to be made, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city surveyor's order ;

47. To make such provisions as the council may deem ^{Snow and ice.} necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses or other buildings ; and, for that purpose, to determine the manner in which such sidewalks and roofs shall be kept , with power to hold the owner, occupant, tenant, or the agent of the owner of every house, or other building, or of any vacant lot in the city, responsible for the due fulfilment of the obligations imposed upon them in that behalf ;

48. To prohibit the flying of kites and every other ^{Games in} game, practice or amusement in streets or public places, ^{streets.} having a tendency to frighten horses, or to injure persons or property ;

49. To determine the direction of natural water ^{Water-} courses passing through private property, and to regulate all ^{courses.} matters concerning the same, whether the said water courses be covered or not ;

50. To regulate the sewerage of the city ; to assess ^{Sewerage.} proprietors of immoveable property to defray the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors ; and to regulate the mode in which such assessment shall be made, either by frontage of said property or otherwise, and the manner of levying such assessment ;

51. To regulate the time when private drains may be ^{Private drains} made, as also the manner and material with which the same may be constructed, the corporation making the same from the line of the street to the common sewer, and to assess the cost of the same on the owners of such property ;

52. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality ^{Main sewers} its share of contribution towards the cost of construction ^{extended} of such main sewers or tunnels, according to the area to ^{beyond city} be drained and in proportion to the benefit to be derived ^{limits.} by such municipality ; the amount of such contribution to be determined by appraisers to be appointed as follows : one by the council, one by such municipality, and a third by a judge of the Superior Court ; provided that ^{Proviso.}

so soon as any such municipality, or any proprietor therein, shall make use of any such main drain or sewer, the sum to be contributed by the municipality shall be paid by means of a sinking fund of two per cent to be paid annually by the said municipality, until the final redemption of the amount of such contribution ; such amount, or the portion thereof remaining unpaid, to bear interest at the rate of six per cent per annum payable annually ; provided that nothing in this section contained shall affect the contracts or agreements existing between the city of Montreal and the towns of St. Henri and Ste. Cunégonde ;

Proviso as to
St. Henri and
Ste. Cuné-
gonde.

Street and
other rail-
ways.

53. To sanction and permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city ; to regulate the number of passengers to be carried in each car or vehicle used by such street railway ; to regulate the use of locomotive engines, and of steam, or any other motive power on any railway in the city ; to prescribe and regulate the speed of the cars ; and to impose penalties not to exceed four hundred dollars, upon the company managing any such railway, or any of their servants, for each and every violation of any such by-law ;

Fire depart-
ment.

54. To regulate the fire department, and to appoint all officers and men necessary for the prevention of accidents by fire, the suppression of fires and the protection of property at fires ; and to provide for the punishment of any person who may interfere with any member of the fire brigade in the execution of his duty, or who may interfere with, impede, obstruct or injure any of the signal boxes, or the wires or other apparatus of the fire alarm department ;

Demolition of
buildings at
fires.

55. To authorize the demolition of buildings and fences when deemed necessary in order to arrest the progress of fire ;

Fire escapes.

56. To compel proprietors of buildings occupied as hotels, theatres, manufactories, schools, places of public entertainment and such other buildings as the council may see fit to indicate, to provide the same with effectual means of escape ; to cause the same to be inspected, from time to time, by the inspector of buildings ; and to prevent the use thereof until so provided and inspected ;

Construction
of buildings.

57. To regulate the mode to be followed and the material to be used in the erection or repair of buildings, with a view to security against fire and the safety of the occupants, with power to hold the proprietor, builder, or person in possession of such building responsible for any contravention of such by-laws ;

58. To prescribe and define the duties and powers of the inspector of buildings, and to authorize him and such other officers as may be appointed by the council for that purpose, to visit and examine, in the performance of their duties, as well the interior as the exterior of any house or building ; Inspector of buildings.

59. To authorize the said inspector to demolish any house or building that may endanger the lives of the citizens ; and to cause such house or building to be temporarily vacated, if he deems it necessary ; and to do and perform such work of repair as he may deem necessary for the safety of the structure, and to authorize the recovery, from the proprietor, of the cost so incurred ; His powers.

60. To regulate the construction, dimensions and height of chimneys ; and, in cases where any building is elevated above any adjoining house or building, to authorize the inspector of buildings, or other officer, to determine, by whom, at whose cost, in what manner, to what height, and within what delay, the chimneys of the less elevated house or building shall be raised so as to continue their efficiency, and so as not to endanger the adjoining or neighboring property ; Chimneys.

61. To regulate the sweeping of chimneys by licensed sweeps, and to establish a tariff of rates therefor ; Sweeping of chimneys.

62. To regulate the erection, use or employment of steam engines and steam boilers, electric dynamos and other electric machines, and the qualification of persons charged with the working of the same, their examination and license ; Steam engines and boilers.

63. To prohibit, regulate or license the storage of petroleum, coal oil, benzine, naphtha and other inflammable liquids ; and also of explosive substances in the city ; Petroleum, coal oil, &c.

64. To prohibit or regulate the sale and use of fire works, fire crackers and all other explosive missiles ; Fire works.

65. To compel all persons who desire to store lumber, timber, firewood, laths or shingles, in the city, or to work, run or use any saw and planing mill, carpenter or joiner's shop, or other building or establishment wherein wood or other combustible materials are kept, to obtain the previous sanction of the council so to do, and of the place where such wood-yards and mills, work-shops or other buildings, or establishments, may be located and used ; Timber yards.

66. To provide for the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force of the city, and for regulating the residence, classification, rank, service, inspection and distribution of the force ; Police force.

67. To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to Carters.

owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandise, whether such owners reside in or outside of the city ; to provide for the good government and discipline of the drivers of such vehicles for hire; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by a tariff ;

Non residents
to take licenses
for vehicles used in
the city for
their trade.

68. To prevent any person, residing beyond the city limits, from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business ; provided that there be no discrimination against such person ;

Masters and
servants.

69. To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers ;

Ferry-men.

70. To regulate persons plying as ferrymen to and from the city, and to establish a tariff of rates to be charged by such ferrymen ;

Lighting.

71. To regulate the lighting of the city by gas, electricity or otherwise ; to protect the lamps and lamp posts in the streets and public squares ;

Licenses, how
issued.

72. To authorize the issue and signature of licenses, and to prescribe the manner in which such licenses shall be issued and registered ;

Superannua-
tion fund.

73. To create and establish, out of the general fund of the city, a superannuation fund for the officers and employees of the corporation, upon such conditions, and stipulations as the council may determine.

Cutting of ice.

74. To regulate the cutting of ice for the supply of the city, and to prescribe the localities where such ice may be cut.

Paving of pri-
vate lanes and
assessment
therefor.

75. To provide for the paving with stone or asphalt of any private lane in the city, and to assess the cost of the same on each proprietor in such lane according to frontage.

Assessment
roll in such
cases.

The assessment roll in such cases to be prepared by the city surveyor, and the amount levied to be collected in the same way as other special assessments are collected.

Fines for in-
fractions of
by-laws.

141. The council may impose by any by-law, for each and every infraction of the by-laws above mentioned, either a fine with or without costs, or imprisonment, and if a fine, with or without costs, may provide for imprisonment in default of immediate payment of such fine and costs ; but, except in cases where it is otherwise provided in this act, such fine or imprisonment shall be in the discretion of the recorder's court ; but so that such fine shall not exceed forty dollars, and such imprisonment shall not be for a

longer period than two calendar months; and where such imprisonment is ordered in default of payment of the fine, it shall cease on such payment; and where the infraction of any by-law is continuous, such infraction during each day shall constitute a separate offence.

142. The council, in any by-law, may authorize any of its officers, or any officer or constable of the police force, to enter into any house, building, yard or other premises in the city, to ascertain if any infringement of the by-laws now in force, or which may hereafter be passed by the council, is therein committed, and impose the said penalty on all persons who refuse to allow such officer or constable to enter any such house, building, yard or premises, or in any way resist or interfere with the said officer or constable in the execution of his duty. Officers authorized to enter buildings.

143. The council, in any by-law in which a license is to be granted, may fix and determine in its discretion the amount of the fee or tax to be paid for such license. License fees.

144. Any municipal elector, in his own name, may, by a petition presented to the Superior Court, demand and obtain, on the ground of illegality, the annulment of any by-law, resolution, assessment roll or apportionment; but the right of demanding such annulment is prescribed by six months from the date of the passing or completion of such by-law, resolution, assessment roll or apportionment; and after that delay, every such by-law, resolution, assessment roll, or apportionment shall be considered valid and binding for all purposes whatsoever, provided that the subject matter thereof be within the competence of the corporation. Contestation of by-laws, resolutions, &c. Validity after certain delay.

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

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

147. A copy of every by-law, made under this act, shall be transmitted without delay, to the Lieutenant. By-laws to be submitted to

Lieutenant-Governor.

Governor of this Province, who may, by and with the advice of the Executive Council of this Province, within three months from the receipt of such copy, disallow the by-law, and such disallowance shall be signified to the mayor of the city ; and thereupon such by-law shall be void, and of no effect.

By-laws to be public laws.

148. The by-laws of the said council shall be held and taken to be public laws in the city, and as such shall be judicially taken notice of by all judges and other persons whomsoever, without being specially pleaded.

TITLE XVI.

RECORDER'S COURT.—ITS JURISDICTION.—PROCEDURE.

Court established.

149. There shall be a court of record to be called the "Recorder's Court," which shall be held by the recorder, to be appointed as hereinafter provided, having its sittings in the city hall, or in such other place as may be set apart for the purpose by the council.

Seal.

The said court shall have a seal.

Its jurisdiction.

150. The recorder's court has the jurisdiction of a recorder, and shall hear and determine summarily :

Collection of taxes.

(1.) Any action brought for the recovery of any sum of money due to the corporation for any tax, or assessment, imposed by any by-law or resolution of the council ;

Market dues.

(2.) Any action for the recovery of any sum of money due to the corporation for the rent or license of any butcher's stall, or other stall or stand in or upon any of the public markets in the city, in virtue of any by-law of the council, or for any tax or duty, imposed and levied in and upon the public markets or private butcher's stalls in the city ;

Water rates.

(3.) Any action for the recovery of water rates, or any sum of money that may be due and payable to the corporation for the supply of water furnished from the Montreal water works, to any house or building, or for the use of any person in the city ;

Servants' wages.

(4.) Any action for the recovery of wages of servants, apprentices, domestics or journeymen, or of damages arising out of the lease or hire of work, the amount of which shall not exceed twenty-five dollars.

Lessors and lessees.

151. It has concurrent jurisdiction with the Circuit Court, or with any judge of the Superior Court, as to matters between lessors and lessees, and may proceed in virtue of article 1624, paragraphs 1 and 2, of the Civil Code of

Lower Canada, and of the legislative provisions amending the same, in the same manner and with the same formalities as the Circuit Court, or any of the judges of the Superior Court, is directed to proceed in and by the Code of Civil Procedure of Lower Canada; and the recorder's court has, 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 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 immoveable estate situate in the city. Proviso.

152. After judgment ordering the eviction of the tenant, in virtue of the next preceding section, the party suing may, three days after service of such judgment on the tenant, obtain from the recorder's court, a warrant or writ of possession, which shall be put into execution by a bailiff of the Superior or recorder's court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect. Writ of possession.

153. The recorder's court may take cognizance of and determine in a summary manner, all offences referred to in articles 2783 to 2793, both inclusive, of the Revised Statutes of the Province of Quebec, in so far as the provisions of these articles are applicable to the city, and article 2782 of the said Revised Statutes applies to the recorder *mutatis mutandis*. The said court shall also have jurisdiction in any suit for the recovery of any fine or penalty imposed in virtue of this act or any by-law of the council, now, or to be hereafter in force, and incurred for any infraction of the provisions of such act or by-law. May take cognizance of certain offences.
Fines under charter and by-laws.

154. Articles 2, 3, 4, 5, 7, 8, 10, 11, 18, 24, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 79, 80, and the articles from 615 to 631, inclusively, of the Code of Civil Procedure of Lower Canada, as amended by subsequent acts, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the recorder's court. Articles of Code of Civil Procedure applicable.

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

155. The recorder's court may be held daily, and as many times as may be necessary each day, and it may fix Court when held.

any time for the hearing and disposing of any offence punishable upon summary conviction and within its jurisdiction; and any police officer or constable may bring before the court any person accused of any such offence, to be then and there dealt with according to law.

Recorder.

156. The recorder must be a barrister of the Province of Quebec, of at least five years' standing, and is appointed by the Lieutenant-Governor during good behaviour; he is *ex-officio* a justice of the peace in and for the district of Montreal; and is vested with all the rights, powers and authority of one or two justices of the peace, and of the recorder's court;

Subject to dismissal.

The Lieutenant-Governor may however dismiss him upon a joint address from the Legislative Council and Legislative Assembly.

His salary.

157. The salary of the recorder is three thousand five hundred dollars per annum, payable monthly out of the funds of the city.

May appoint a deputy.

158. The recorder may, from time to time, by an instrument in writing under his hand, 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 five years' standing, to be and act as his deputy in the event of his illness or absence from the city; and any such nomination and appointment may be revoked and again made by the recorder, as circumstances may require.

Powers of deputy.

159. The 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 as aforesaid until the revocation thereof, possess the jurisdiction and be vested with all the rights, powers and privileges, and be bound to discharge all the duties of the recorder, to the exclusion, for the time being, of the person so nominating him; provided, nevertheless, that the city shall not be called upon, or held to pay for the services so rendered by such deputy, except in case of illness and during the time allowed to the recorder for his holidays, not to exceed however thirty days in any year; the amount to be paid to such deputy for his services, in such cases, to be fixed and determined by the finance committee of the council. Provided also that the recorder's court shall not at any time be deemed to have been illegally held, nor shall the acts of any deputy-recorder be

Proviso.

deemed invalid, by reason of the absence of the recorder not being deemed to be necessary within the meaning of this act.

160. In case of the death of the recorder, his deputy shall act as such until the Lieutenant-Governor appoints his successor in accordance with the law ; and, if the recorder dies without having appointed a deputy, then the council shall appoint one, who will possess the jurisdiction and be vested with all the rights, powers and privileges of the recorder, until one is appointed by the Lieutenant-Governor.

161. The clerk of the recorder's court shall be appointed by the council, during pleasure ; he must be a barrister of the Province of Quebec, and shall be *ex officio* a justice of the peace in and for the district of Montreal. He shall be the custodian of the seal of the court.

162. The clerk may, with the approval of the recorder by an instrument under his hand, to be acknowledged by him before the recorder and entered in the register of the court, appoint one fit and proper person, to be and act as his deputy, and remove any person so appointed, and appoint another in his stead.

163. So long as he holds office, such 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 court.

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

He shall conduct all cases and suits cognizable by and within the jurisdiction of the said court, except in cases where the corporation shall deem it expedient to appoint a special attorney, or to associate him with counsel.

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

The clerk shall enter daily, and in a succinct manner, in a register, the proceedings had in each cause or complaint brought in the court.

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

Record of
proceedings.

167. It is not necessary for the clerk 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 kept by him, 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 endorsed on the original summons or plaint shall be sufficient evidence thereof.

Form of writs.

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

Written com-
plaint not re-
quired in cer-
tain cases

169. In cases tried for drunkenness, or where a person is arrested on view by a police officer or constable for an offence against the law, as contained in the said articles 2783 to 2793, both inclusive, of the Revised Statutes of the Province of Quebec, or of this act, or of any by-law of the council, it is not necessary that the complaint be reduced to writing; but a verbal complaint, under oath, made before the recorder's court by the constable who has arrested such person, shall be deemed a sufficient complaint; if such person demand that the complaint be reduced to writing, the court shall direct the clerk so to do.

Procedure
against per-
sons infring-
ing by-laws.

170. In cases of complaint for an offence against the provisions of any by-law of the council, where the person contravening such provisions has not been apprehended on view, such person may be summoned by a writ to appear before the said court, and he shall answer the said complaint, as set forth in the said writ which shall contain a summary statement of the cause of complaint or demand; and such writ shall be served upon the defendant by any bailiff or constable; provided always that, in all cases of offences for the commission whereof a fine or imprisonment is imposed by any such by-law, it shall be lawful to proceed against the defendant, either by writ as aforesaid, or by warrant of apprehension issued by the recorder, upon affidavit taken before him, if the same is deemed more advisable for the attainment of justice.

Delay be-
tween service
of writ and
day of return
and proce-
dure thereaf-
ter.

171. In any civil action in the said court, 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; if the person so summoned does not appear, proceed-

ings by default may be taken against him, and upon proof made, even by the oath of the plaintiff alone, the court shall render judgment accordingly with costs; if he appears, he must plead to such action within twenty-four hours and his plea shall be entered or filed, and proof shall be adduced by the parties, and judgment finally rendered in the case, in accordance with law and justice, with costs; if he confesses judgment, judgment shall be entered with costs.

172. The court may grant a delay of not more than two months to any defendant who confesses judgment after the return of the action brought against him. Delay upon confession of judgment.

173. In all prosecutions instituted before the recorder's court, other than civil actions, the provisions of the act, chapter 178 of the Revised Statutes of Canada, respecting summary proceedings before justices of the peace, shall apply to the recorder's court and to the recorder, as regards the mode of proceeding on such prosecutions to final conviction or to the final judgment or order, the execution and carrying out of such conviction, judgment or order, and generally as to all rules imposed upon such justices for such objects, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation to the same; the several forms therein contained may be varied in so far as it may be necessary to render them applicable to the said court. Revised Statutes of Canada, chapter 178, applicable in certain cases.

174. The recorder's court has power to compel witnesses to appear in any action, prosecution, or complaint pending before it, and to answer all legal questions put to them in the same manner as in the ordinary courts of civil jurisdiction in this Province. Summoning witnesses.

175. The said court has the power of coercive imprisonment mentioned in articles 781 and 782 of the Code of Civil Procedure. Coercive imprisonment.

176. In any civil action, the recorder's 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. Evidence.

177. In any civil action or proceeding, or in any prosecution or complaint for any offence committed against any by-law or against the provisions of any of the acts Who may be witnesses.

hereinbefore cited, any member of the council, or any officer or servant of the corporation, shall be a competent witness; provided he has no direct interest in the result of the action, prosecution or complaint, or is not incompetent from any other cause.

One witness
sufficient in
some cases.

178. Any tax, assessment, or water rate due to the city, or any penalty or fine which may be claimed or sued for in the said court, is recoverable on the oath of one witness; and any person accused in the said court of any offence within its cognizance, may also be condemned on the oath of one witness.

Notes of evi-
dence.

179. The depositions 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.

180. The recorder's 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 its sittings.

Bailiffs.

181. The recorder shall appoint, from time to time, such number of bailiffs of the recorder's court, as may be necessary; and may dismiss them, at any time, and appoint others in their stead;

Oath of office.

The bailiffs so appointed shall take an oath of office before the recorder.

Returns.

182. Every such bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued by the said court, shall make a return, under his oath of office, of all proceedings taken by him in relation to such writ, and such return shall suffice for all purposes whatsoever;

Proviso as to
bailiffs of
Superior
Court.

But returns of service of any writ issued by the said court, may likewise be made by any bailiff of the Superior Court; and in all cases so instituted in the recorder's court, any such bailiff shall have *ex officio* full power and authority to fulfil the duties of bailiff of the recorder's court, in the same manner as if specially appointed by the recorder for that purpose.

Proof of ser-
vice.

183. The service of any summons in case of prosecutions for offences, as above mentioned, may be proved in open 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, may be proved in the same manner.

184. The execution of any judgment rendered in any Executions. civil action, as above mentioned, shall be levied by seizure and sale of the goods, moveables, and effects of the defendant.

No writ of execution shall be issued until the expi- When issued. ration of eight days after the day on which judgment shall have been rendered.

185. The bailiff, the bearer of the writ of execution, Seizure and sale. shall proceed to the seizure and sale of such goods, moveables and effects, in the manner prescribed and practiced in such cases under execution issued by any ordinary court of civil jurisdiction in the Province of Quebec ; subject, however, to the provisions contained in sections 103, 104 and 105.

186. If the property of the defendant is already under If there be a previous seizure. seizure in virtue of any writ of execution issued by any other court, in such case, the bailiff, the bearer of the writ of execution issued by the recorder's court, shall suspend proceedings ; but, upon production to him of the *procès-verbal* of such seizure, he shall hand over the writ issued by the recorder's court to the sheriff of the district, or to the bailiff who shall have made the seizure, as the case may be.

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

188. The recorder's court may issue writs of *saisie arrêt* Saisie arrêt. 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 arrêt*.

189. The recovery of all fines adjudged by the recorder's court is proceeded with, in pursuance of the by-law Recovery of fines. 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 are issued in the manner above stated.

Act or by-law
need not be
cited.

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

Tariff of fees

191. The council may make and settle a tariff of the fees which may be exacted by the clerk and bailiffs, in all cases and suits cognizable by and within the jurisdiction of the recorder's court, and change the same, from time to time; but neither the said tariff, nor any of the changes made therein, shall have force and effect until they shall be approved by the Lieutenant-Governor in council.

Law stamps
to be affixed
in certain
cases.

192. It is not necessary to affix any law stamps to the summonses, writs, warrants or other documents issued by the recorder's court, except for proceedings in ejectment hereinbefore provided for, wherein such stamps shall be used; without prejudice, however to the tariff of the said court which shall apply to such cases in ejectment.

Punishment
of offences.

193. The said court has the power of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in this act, and in the acts for the government of the city.

Prosecution
for certain of-
fences under
by-laws.

194. The council, in all cases of offences for the commission whereof fine or imprisonment is imposed by any of its by-laws, may proceed against the delinquent, either by summons or by warrant issued upon affidavit taken before the recorder, as may be thought more advisable for the attainment of justice.

Fines how re-
covered.

195. All fines imposed by this act, or by the provisions of any by-law of the council, are recoverable before the recorder's court, with costs; and in default of immediate payment of the said fine and costs, the party, against whom judgment shall have been rendered, shall be imprisoned for a period not exceeding two months, unless such fine and costs be paid before the expiration of such term of imprisonment.

If offender be
a corporation.

196. In all cases in which a fine has been incurred by a corporation, association, or society recognized by law, such fine and costs may 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.

197. Any joint owner or occupier of any lot, house, building or other immoveable in the city, complained of for violation of any by-law of the council, bearing upon such joint owner or occupier, or upon the said lot, house, building or other immoveable in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence, may be sued alone, or conjointly with his co-owners or co-occupiers, in the 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 is sufficient to mention the name of such joint owner, or occupier, or of such agent, with the addition of the words "and others," and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, is sufficient. Liability of joint-owners.

198. All actions taken by the city in the recorder's court, for the recovery of any tax, assessment or water rate, or of any fine, or penalty, is instituted in the name of "*the city of Montreal*;" those taken at the instance of private parties are in the name of such parties respectively. Suits in whose name taken.

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

200. To the council alone appertains the right of 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. Remission of fines.

201. This remission is made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the council to that effect, by the person asking such remission, and not otherwise. How made.

202. Whenever, in the present or any other act relative to the city, or in any by-law, imprisonment is imposed, such imprisonment is presumed and held to be in the common gaol of the district of Montreal. Imprisonment.

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

Certain allegations dispensed with.

204. In any action, proceeding or complaint by the corporation, it is not 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 is presumed, until proof to the contrary be shown.

Amendment if errors in summons.

205. In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the christian or surname, the occupation, 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.

Deposit in cases of *saisie-arrest*.

206. In cases of *saisie-arrest* issued in the hands of the corporation, it shall be lawful for the city treasurer to deposit in the office of the court from whence such *saisie-arrest* has issued, the sum of money which he may have in hand belonging or owing to the defendant, that the said sum may be paid to whom it may appertain, as the court may order.

TITLE XVII.

STREETS AND HIGHWAYS.

Plan when confirmed to be binding upon all concerned.

207. Every plan or map of a ward, already made or which may hereafter be made, when confirmed by the Superior Court, shall be binding upon the corporation, and the proprietors therein interested, and upon all other persons whomsoever ; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares, shewn on the said plan, or at the time of the widening of any of the streets, public places, or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made, or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, public places, or squares, or for the widening of any of the streets, public places, or squares of the city ;

Provided that nothing contained in this act shall be ^{Proviso.} construed as depriving the corporation of the right of widening or extending any of the streets, public places, or squares designated in such plan, after its confirmation or of abandoning the opening of any new street or the widening or extending of any existing street, as shown on the said plan ;

But no such modification or alteration shall be made ^{Proviso.} unless it be resolved upon at a meeting of the council at which the majority of the members are present, upon a petition to that effect from a majority of the proprietors in the street line or part thereof proposed to be changed, and thereupon any of the judges of the Superior Court may, upon the petition of the corporation, order that the duplicates of said plan, deposited as hereinafter provided, be modified or altered accordingly.

208. A duplicate of each of the said plans shall be ^{Plan where de} deposited, immediately after its completion, in the office of ^{posited.} the prothonotary of the Superior Court, and another in the archives of the corporation ; and, when such plan shall have been confirmed and ratified by the said court, the city clerk shall make an entry upon the duplicate of the said plan, deposited in the archives of the city, in the following words : “ confirmed by the Superior Court on the day of one thousand . .

209. The city may open to the public any new street, ^{Power to open} highway, public place, or square, shewn on the said plans ^{and widen} or maps ; and also may widen any of the streets, public ^{streets, &c.} places or squares thereon indicated as to be widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments ; and may also open, extend or widen any street, public highway, place or square, or acquire property for the establishment of markets, police stations, or for any other municipal purpose ; and may also, at the same time, determine that such improvements shall be made out of the city funds, or that the cost thereof shall be assessed, in whole or in part, upon the immoveables belonging to parties interested in, and benefited by such improvement ; and for that purpose the city may acquire, take and enter upon any land, ground or immoveable property in the city, in the manner hereinafter provided.

210. The city may also open, fix the grade and level, ^{Powers ex-} or widen streets or highways and extend the same, and ^{tended be-} establish public abattoirs, parks, squares or hospitals, ^{yond city li-} ^{mits.}

beyond the city limits, and may acquire any land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by this act for the acquisition of land for similar improvements in the city; but, before exercising any of the powers conferred upon it by this section, the city shall obtain the consent of the municipality within the limits of which such powers are to be exercised.

Record
of streets.

211. The city may cause such of the streets, lanes, highways and public squares, or any part thereof, as have been acquired by the city, or open for public use for ten years, and not heretofore recorded or sufficiently described, to be described and recorded in a book or register to be kept for that purpose by the city surveyor; and the same, when so entered of record, shall be deemed to be public highways or grounds; and an extract from such record or register, certified by the city surveyor and city clerk, shall, in all cases, be held and taken as conclusive evidence thereof.

Changes in
names of
streets to be
reported.

212. If any change be made by the council in the name of any street or public square, the city surveyor shall report such change without delay to the registrar of both divisions of the city.

TITLE XVIII.

EXPROPRIATION.

Mode of pro-
cedure.

213. If any immoveable property is required for any improvement authorized to be made under the provisions hereof, the same may be acquired by agreement; but if such property is not so acquired, and after, or without any step, or proceeding being taken towards such acquisition by agreement, the same may be acquired by expropriation, and the price or compensation therefor fixed and determined in the following manner, namely:

Petition and
notice for ap-
pointment of
commission-
ers.

1. The city, by its attorney, shall give special notice, addressed through the post office, to the person in whose name the property to be expropriated was lastly assessed on the assessment roll, as proprietor thereof, at his actual or last known domicile, and shall also give public notice to the effect that, on the day and hour mentioned in such notice, a petition will be presented on its behalf, to the Superior Court, in term, or to any judge thereof in vacation, including the months of July and August, praying the said court or judge, to choose and nominate three

competent and disinterested persons, qualified as herein-after provided, to act as commissioners, to fix and determine the price or compensation to be allowed for every such immoveable, which shall be legally described in such notice; and thirty days at least shall elapse between the date of the last publication of such notice, and the day appointed for the presentation of such petition; and such notice, shall also be posted, twenty days previous to the date of the presentation of the petition, in three different places, upon each and every immoveable intended to be expropriated, or in the immediate vicinity thereof;

2. The court or judge, to whom such petition shall be presented, shall appoint three commissioners qualified as aforesaid, and fix the day on which such commissioners shall begin operations, and also the day on which they shall make their report; but such times, respectively, may be extended for cause by the court or any judge thereof;

Commissioners by whom appointed.

3. No person shall be appointed or shall act as such commissioner, unless he is assessed in the assessment roll as proprietor of immoveable property of the aggregate value of at least five thousand dollars; and such person so appointed shall be entitled to the benefit of the exemptions accorded by law to persons summoned as jurors, and unless so exempted and after service upon him of the judgment appointing him, the person so appointed who neglects or refuses to perform the duties thereby imposed upon him, shall be summarily condemned to a fine of one hundred dollars, by the court or judge having jurisdiction in respect of such appointment;

Their qualification.

Exemptions.

4. If, at any time after his appointment, any of the commissioners fails in the performance of the duties assigned to him, or does not fulfil such duties in a faithful diligent and impartial manner, it shall be lawful for the city, by its attorney, to apply, by summary petition, to the Superior Court, or to a judge thereof, as the case may be, to stay the proceedings, and to remove and replace the commissioner who so misconducts himself; and upon such petition, the court, or judge, may issue such order as may be deemed conformable to justice;

Penalty in case of dereliction of duty.

5. In case any of the commissioners dies or is disqualified or unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the city, after two clear days' notice, to be established to the satisfaction of such court or judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

In case any commissioner should die, &c.

Plan of improvements.

6. Immediately after the appointment of the commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the immoveables to be expropriated ;

Commissioners to be sworn.

7. The commissioners, before proceeding, shall be sworn before the prothonotary of the Superior Court (in the form P) and they shall be vested, with regard to the valuation of property only, with the same powers, and entrusted with the same duties, as are conferred by the laws in force in this Province upon experts in reference to appraisements ; and are entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they are of necessity occupied in the performance of their duties ;

Their powers and remuneration.

Commissioners to decide first who are benefited.

8. Before proceeding with the valuation of the immoveables to be expropriated, the commissioners shall begin by determining who are the parties benefited, and to be specially assessed for the purpose of the proposed improvement ; they shall draw up a report thereof and give public notice of the same, in which it shall not be necessary to give the names of the parties benefited by such improvement, but only to define the limits or boundaries in which the immoveables liable to assessment are included ;

Parties may object.

9. The parties, so notified, who desire to oppose the improvement may do so, by a declaration to that effect, to be signed by such parties opposing, and to be filed in the hands of the city clerk, within ten days from the date of the last publication of such notice ;

Commissioners to decide if such parties are a majority.

10. At the expiration of the delay aforesaid, the city clerk shall hand over to the commissioners the declaration, if any, filed in his hands ; and they shall thereupon ascertain and determine, without any appeal, if, in reality, the signers of such declaration constitute the majority in value of the parties benefited (the said value as set forth and established in and by the general assessment roll last made and revised) ; and if they find that such majority is opposed to the improvement, they shall report the fact to the said court or judge, as the case may be, on the day appointed to receive their report of valuation ; and the proceedings in expropriation shall *ipso facto* be annulled ; if, on the contrary, no declaration has been filed, or the commissioners determine that a majority in value of such parties has not signed the declaration, they shall appoint a day on which to proceed to determine the value of the immoveables subject to expropriation, and shall give due public notice thereof ;

Veto power restricted.

11. The right of opposition, conferred as aforesaid, does not apply to expropriations for improvements as laid

down on the general plan of the city, when such improvements only affect new or projected streets, as fixed and determined upon such general plan, and not already in actual possession of the city, at the time such plan was homologated and confirmed by the court, according to the provisions of the act 37 Vict., chap. 51; provided that nothing herein contained shall be construed as affecting the right of opposition that now exists as regards the widening or extension of old streets, which shall remain in full force with regard to such old streets, except in the case provided for by section 221;

12. If the portion of any immoveable, not required for any improvement, shall have a depth not exceeding forty feet, the party expropriated may give notice in writing to the city clerk, before the day fixed for the commissioners to proceed to the valuation, that he desires to have such residue also expropriated; and thereupon the commissioners shall also value such residue, and shall fix the price to be paid therefor;

When less than forty feet are left.

13. The commissioners may, if they deem proper, call upon the party to be expropriated to give them communication of his title deeds; and, upon his failing to comply with such demand, the commissioners are authorized to procure such copies at the cost of such party; and the amount of such costs shall be deducted from the compensation to be awarded to him;

Commissioners to be provided with title deeds.

14. It shall be the duty of the commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the immoveables to be expropriated; or for the damages caused by such expropriation;

Appraisal to be proceeded with diligently.

The same commissioners may also determine the price or compensation of all the immoveables, including buildings thereon, required for any improvements which the council may have ordered to be made at one and the same time;

Same commissioners may act for all immoveables required for improvement.

The commissioners shall hear the parties and their witnesses after the latter have been sworn by one of the commissioners; but such examination shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the commissioners. The meetings of the commissioners, except for the purpose of deliberation, shall be open to the public;

Hearing parties and witnesses.

Meetings public.

15. If, in the discharge of the duties devolving on the commissioners by virtue of this act, there occur a difference of opinion between them upon any question within their province, the decision of two of the commissioners shall have the same force and effect as if all had concurred therein;

In case of disagreement, majority to decide.

Increased value of residue of property to be considered.

16. In every case, where the council resolves to execute any of the works or improvements aforesaid, at the city's expense exclusively, and when the expropriation applies to a portion only of an immoveable, belonging to one proprietor, the commissioners shall be held to determine and award the damage to or deterioration in value, if any, of the residue of such immoveable, resulting from the separation from it of the part required by the city ; and they shall determine the intrinsic value of the part of the property to be taken ; and, if they are of opinion that the residue of the property is increased in value by the proposed improvement, they determine the amount of such increase ; and, in the one case, the proprietor shall receive the intrinsic value of the property taken and the amount of damage, so awarded, and, in the other case, he shall only receive the difference between the intrinsic value of the part of the property required and such increased value ;

Commissioners to report amount of appraisal.

17. So soon as the commissioners have completed the proceedings relating to the appraisal and determined the price or compensation for the immoveables to be expropriated, they shall make and sign a report of their appraisal and deposit the same in the office of the city clerk, who shall forthwith give public notice thereof, and of the day on which such report will be submitted to the Superior Court, or to one of the judges thereof, as the case may be, for homologation ; which day shall be at least ten days subsequent to the first publication of such notice ;

Report to be confirmed.

18. On the day specified in such notice, the city shall submit to the Superior Court, or to one of the judges thereof, respectively, the report containing the appraisal of the commissioners, for confirmation and homologation ; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the report : and such order thereon shall be final as regards all parties interested, and shall not be subject to any appeal.

City may acquire land over and above part required for improvement.

214. In all cases where, upon the projected opening of any street, square, market-place, or other public place, or the projected extension or widening of such street, square, market place, or other public place, or the projected acquisition or extension of a site for any public building, the council deem it advantageous to acquire a larger tract of land than is required for the intended improvement or enlargement, and the property, part of which is to be expropriated for such improvement, does not extend back

more than one hundred feet from the projected line of such improvement, the city may also expropriate the remainder of such property ; and such extent of property may be taken on one or both sides of such street, square, market-place, or site, in case the proposed improvement applies to both sides thereof.

215. In case the council has determined to open, widen or extend any street, public place or square, and to expropriate any property therefor, and has given and posted notice of such expropriation, as provided in subsection 1 of section 213, no indemnity or damage shall be allowed for any building, structure or improvement made thereon after such notice has been given and posted as aforesaid.

No indemnity
allowed after
notice.

216. Within thirty days from and after the confirmation and homologation of the report of the commissioners, the city shall deposit, in the hands of the prothonotary of the Superior Court, the amount of the price or compensation and damages settled and determined in and by the said report, of which deposit such prothonotary shall grant an acknowledgment in writing. Such deposit and acknowledgment shall constitute, on behalf of the city, a legal title to the property of each of the immoveables expropriated ; and thenceforth all proprietors or other persons interested in, such immoveable property shall be divested of all rights or claims thereto, and the city shall be vested with such immoveables, and may of right and without any further formality enter upon possession of, and use the same for any of the purposes authorized in and by this act.

After report,
deposit to be
made.

Effect of de-
posit.

217. Any expropriation made in virtue of this act shall have the effect of cancelling all mortgages, privileges and encumbrances whatsoever with which such immoveables may be charged at the time ; but the price or compensation deposited in the hands of the prothonotary, as aforesaid, shall be held to represent such immoveables as regards such mortgages, privileges and encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the money deposited conformably to this act.

Mortgages
cancelled.

218. Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of, or interested in any immoveable, subject to expropriation, may (not only for themselves, but for and on behalf of the persons whom

Parties hold-
ing property
in trust may
sell to the
city.

they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert* or other persons) contract for, sell and convey such immoveable to the city; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever; and all corporations and persons whatsoever, contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without however diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances.

Proviso.

But, in such case, the price shall not be paid to the vendor, until the authority of the proper court or judge shall have been obtained for such payment; and if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility, in respect of such price, by paying the same into the hands of the prothonotary of the Superior Court for the benefit of whom it may concern.

Distribution
of moneys.

219. When the money is deposited in the hands of the prothonotary as aforesaid, the Superior Court, or any of the judges thereof, during the vacation and out of term, shall determine the mode of calling in the creditors of the party entitled to such money, or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; provided always, that when the price or compensation and damages are paid, in whole or in part, to the expropriated party himself, the amount so paid shall not be subject to the tax imposed by and in virtue of the act 12 Victoria, chapter 112: (See Revised Statutes of the Province of Quebec, articles 2749, 2751 and 2755,) nor to the commission which the prothonotary of the Superior Court is entitled to receive, nor to any other tax or commission. If, however, the amount of indemnity does not exceed one hundred dollars, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party.

Proviso.

Prothonotary
to pay interest,
&c., on

220. The prothonotary of the Superior Court shall remit to the Treasurer of the Province of Quebec all inte-

rest and revenues arising from the different sums of money deposited by the city in his hands as aforesaid, after deducting therefrom the amount of any commission thereon to which he may be legally entitled; 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.

221. When the council, by a resolution adopted by vote of a majority of its members, determines to carry out an improvement and to contribute, from the city funds, to an extent not to exceed one-third of the cost thereof, the right of opposition, conferred in and by subsections 9 and 10 of section 213 upon the proprietors benefited, shall be suspended, in so far as it relates to such improvement; provided, however, that the council, before adopting any such resolution, shall give ten days' notice thereof, in at least two English and two French newspapers published in the city.

all money to
provincial
treasurer.

Veto suspend-
ed in certain
cases.

222. An expropriation shall take place every five years, to be reckoned from the end of the year 1885, or at such other period as the council shall fix by by-law, from time to time, of the immoveable property or portions thereof belonging to proprietors who, after the homologation of the general plan of the city or of the plan of any of the wards thereof, respectively, have erected permanent buildings upon the new line laid down upon such general plan in any street or public square or place opened or widened according to the said plan, and lying between the new and old lines of such street, public square or place: unless such proprietors shall produce, after such building shall have been erected, a certificate from the city surveyor to the effect that such buildings have been erected according to the new line; provided that the whole cost of all such improvements shall be borne and paid by the proprietors benefited thereby.

Quinquennial
expropria-
tion.

223. The procedure to be followed for such expropriation, for the appointment of commissioners for the purposes thereof, for the assessment and apportionment of the cost thereof, and for all matters incidental thereto, shall be the same as that herein prescribed for ordinary expropriations, save and except as hereinafter provided.

Mode of pro-
cedure.

224. So soon as the report of the commissioners appointed to fix and determine periodically, under the two next preceding sections, the price or compensation for the immoveable property to be expropriated, as aforesaid, is

Assessment to
be made.

confirmed and ratified by the Superior Court, or by one of the judges thereof, as the case may be, in accordance with this act, the commissioners shall assess and apportion, in such manner as to them may appear most reasonable and just, the total cost of the improvement upon all the immoveable property situated in, or facing on both sides of the street, public square or place in which the improvement is made, or upon such portion of such street, square or place as the commissioners shall have determined to be benefited by the improvement; and they shall, for that purpose, base such assessment and apportionment upon the value of such immoveable property, irrespective of buildings thereon erected; which assessment shall thereupon become due and payable by the parties affected thereby.

Deposit.

225. Within twenty days after such assessment and apportionment is made, revised and completed as aforesaid, the city shall deposit, in the hands of the prothonotary of the Superior Court, the price or indemnity determined by the commissioners for each and every immoveable expropriated, after deducting therefrom the amount charged in such assessment and apportionment to each of the proprietors expropriated; and the prothonotary shall grant a written acknowledgment to the city, of such deposit, which shall have the same effect as the acknowledgment provided for in section 216.

Veto not to apply.

226. The right of veto, conferred upon the parties benefited by the improvement under subsections 9 and 10 of section 213, shall not apply to expropriations made in virtue of the four next preceding sections.

Certain provisions applicable to claims for damages.

227. The provisions contained in section 213, with regard to the appointment of commissioners and the mode of ascertaining the value of immoveables taken by the city, apply to cases in which it becomes necessary to ascertain the amount of compensation to be paid by the city, for any damage caused by reason of any alteration in the level of any sidewalk, or by reason of any other act of the corporation for which they are bound to make compensation, and where the city and the claimant are unable to agree as to the amount of such compensation. And the amount of such compensation, when determined upon, shall be forthwith paid by the city to the claimant, provided always that any person who erects any building whatever upon any established or contemplated street, public place, or square in the city, without having previously obtained from the city surveyor the level of

the sidewalk of such street, public place or square, and without conforming himself to such level, shall have no claim for compensation for damages caused by any subsequent change of level in such sidewalk.

TITLE XIX.

SPECIAL ASSESSMENTS.

228. So soon as the report of the commissioners is confirmed and ratified by the court, or by one of the judges thereof, as the case may be, conformably to section 18 of section 213, in all cases where the council may have ordered, in conformity with section 209, that the cost of the said works or improvements be borne, in whole or in part, by the proprietors benefited thereby, it shall be the duty of the commissioners to determine the proportion in which the proprietors of different localities, within the boundaries previously fixed, shall be respectively assessed ; and to assess and apportion, in such manner as to them may appear most reasonable and just, the compensation accorded by them for the land taken, and the costs and expenses incurred in and about such expropriation, in whole or in part, conformably to the resolution of the council, upon all the immoveable properties declared to be benefited by such improvement, and comprised within such boundaries.

The commissioners, for the purposes of such assessment, shall adopt the valuation of such immoveable property, irrespective of buildings thereon erected ; taking into account the benefit to be derived from the improvement, in the proportions so determined by the commissioners.

229. The commissioners shall thereupon make a roll of assessment and deposit the same, duly certified, in the city clerk's office, for the examination and inspection of all parties interested ; they shall give public notice thereof, to the effect that they have completed such roll of assessment and that the same has been deposited in the city clerk's office where it may be seen and examined by any person interested therein within the delay specified in such notice, which delay is in no case to be less than fifteen days from the last publication of such notice ; and that, after the expiration of that delay, at a day and hour to be stated in such notice, the commissioners will meet, at the city-hall, to review such roll of assessment and hear the parties interested.

230. At the time and place mentioned in the said notice, the commissioners shall meet and hear and examine

all complaints in relation to such roll of assessment ; and they may adjourn the meeting, from time to time, as may be necessary, to hear and determine such complaints ; and after such examination, may maintain, modify or amend, in their discretion, such roll of assessment, without any further notice.

Roll when settled to be left with city treasurer.

231. The roll of assessment, when finally settled by the commissioners, as aforesaid, shall be filed and kept of record in the city treasurer's office ; and such special assessment shall thereupon become due and may be recovered by the corporation in the same manner as the ordinary taxes and assessments which it is authorized by this act to impose and levy.

Assessment in cases of amicable arrangement.

232. When the council, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, has acquired by amicable arrangement, and without having recourse to proceedings in expropriation, all the immoveable property required for such improvement, it may, by a petition to be addressed to the Superior Court, or to any judge thereof in vacation, in the manner hereinbefore provided, cause to be appointed three commissioners for the purpose of making and determining the apportionment or special assessment to cover the cost of such improvement, in whole or in part, as the case may be ; and the commissioners shall make such apportionment or assessment in the manner hereinbefore specified.

Procedure extended to anterior improvements.

233. The mode prescribed in the preceding sections for expropriations, and for levying the assessments consequent thereon, shall have force and effect, and shall apply, not only as regards works or improvements which the council may hereafter order to be carried out, but also with respect to any work or improvement which may have been resolved upon at any time before the passing of this act.

Corporations may invest price of sale.

234. Corporations, ecclesiastical or civil, whose property, or any part of whose property, is conveyed to, or taken by the city under the authority of this act, may invest the price or compensation paid for the property so conveyed or taken, in or upon other immoveable property in any part of this Province, and may take and hold the same, any law to the contrary notwithstanding.

Local improvements extended to permanent sidewalks.

235. It shall be lawful for the council to order, by resolution, the construction of sidewalks made of any

durable and permanent material, in any street, square or place in the city, and that the cost of such construction be defrayed out of the city funds, to an extent not exceeding one-half of such cost, and the remainder thereof to be apportioned upon the immoveable property situate on the side of such street, square or place on which such sidewalk is constructed; and such apportionment shall be made in proportion to the frontage of such immoveable property.

236. The city surveyor shall apportion, in a book to be kept by him for that purpose, the proportion of the cost of such construction payable by the proprietors, upon such immoveables according to the frontage thereof as aforesaid. Assessment by city surveyor.

He shall also give public notice of a day when the contributors charged may examine such apportionment, and state to him their objections thereto, before the same be completed and put in force; such notice to be given ten days at least before that fixed to hear the parties; and thereupon he shall hear and determine such objections in a summary manner; and the amount due under such apportionment will be recoverable in the same manner as all other taxes and assessments. Notice to be given.

The provisions of this section shall apply to the assessments in cases of construction of drains made under and by virtue of any by-law authorized by subsection 50 of section 140. Provisions apply to certain drains.

237. In case there should, at the passing of this act or thereafter, exist any clerical error, omission or informality in any proceedings in expropriation, or in the making out of any roll of assessment prepared in respect of the cost of any improvement, whether such error, omission or informality be committed by the commissioners or any of them, or by those who are by law entrusted with such proceedings, the Superior Court, or any judge thereof, may, upon a petition to that effect, permit, in its discretion, the rectification of such error, omission or informality, upon such condition as to costs as the court or judge may order. Clerical errors may be rectified.

238. When any roll of assessment or apportionment made by commissioners, to defray, in whole or in part, the cost of any improvement under the provisions of this act, is annulled by competent authority, the city may cause a new roll of assessment or apportionment to be New roll may be made in certain cases.

made by commissioners appointed and acting as hereinbefore provided, with regard to commissioners for expropriation. And all the provisions of this act, with respect to the making, revision and completion of any such assessment or apportionment, and to all matters incidental thereto, shall apply to such assessment or apportionment : provided always that proceedings for the making of any new roll of assessment or apportionment shall be commenced within six months from the date of annulment of the previous roll.

Assessment
by city sur-
veyor, if an-
nulled, may be
renewed.

239. If any special assessment or apportionment made by the city surveyor is annulled by competent authority, he shall make another assessment or apportionment for the same purpose, in the manner hereinbefore provided : and the same, when completed and revised, shall have full force and effect.

Rights of new
proprietors
saved in new
assessment
roll.

240. If, for the purpose of any improvement, any immoveable property is charged with any special assessment by any roll or apportionment, which is subsequently annulled by competent authority, and a new roll or apportionment is made for the recovery of such special assessment, and if any change has taken place in the ownership of such property, between the date of the deposit in court of the amount of indemnity, as hereinbefore provided, under the first roll of assessment, and the date of completion of the new roll of assessment, the new proprietor of such immoveable, upon payment or demand of the amount thereof, shall have the same rights *en garantie* against his vendor, in respect of such demand or payment, as if such property had become charged with a valid hypothec for such amount, at the date of the said deposit.

Payments
made on an-
nulled roll not
invalidated.

241. Whenever a roll of assessment or apportionment for any street improvement shall be annulled and set aside, the payments made under the authority of the same shall not be thereby invalidated ; but such payments, with interest added, shall go to the discharge of the respective amounts to be fixed by the new assessment roll, subject, on the part of the rate-payer, to making good any deficiency, or to receiving back any surplus, according to the difference that may eventually exist between the old and the new roll of assessment ; and the present provision shall apply as well to special assessment rolls heretofore made as to those which may be made hereafter.

TITLE XX.

SPECIAL PROVISIONS AS TO THE WIDENING OF ST. LAWRENCE AND NOTRE-DAME STREETS.

242. St. Lawrence street in the city shall be enlarged on its western side, from Craig street as far as Sherbrooke street, to a width of sixty-seven feet, English measure; and the by-law of the city [No. 161], heretofore passed by the council for that purpose, to divide that part of St. Lawrence street, comprised within the above mentioned limits, into sections as therein provided, is hereby confirmed. The said improvements shall be completed within three years from the first day of May, 1889.

St. Lawrence street to be enlarged. By-law 161 confirmed.

243. The cost of such improvement shall be borne as follows: one half by the city, and one half by the owners of immoveable property in that part of St. Lawrence street lying between Craig and Sherbrooke streets, by means of a special assessment to be levied, according to the by-laws of the council, upon the immoveable property situated on both sides of the said portion of St. Lawrence street, and payable in ten annual instalments, the first whereof shall become due on the first day of May after the confirmation and homologation of the report to be made by the commissioners entrusted with making the valuation as heretofore indicated, and so to continue, from year to year, with interest at six per cent per annum payable at the same date; but such assessment shall only be levied upon a depth not exceeding forty feet according to the amount of the valuation of each of such immoveable properties, irrespective of buildings thereon erected, and shall be governed by the rules regulating assessments in general.

Cost of improvement how borne.

244. The proprietors of such immoveables may, at any time, before the expiration of the delays aforesaid, pay their share of the cost of the said improvement.

Proprietors may anticipate terms of payment.

245. The expropriation required for the widening of the said street shall be made in accordance with the provisions respecting ordinary expropriations hereinbefore enacted: provided that subsections 9, 10 and 11 of section 213 shall not apply to such expropriation, and that the privilege granted to the party expropriated in subsection 12 of said section 213 to compel the city to take the residue of his property when such residue shall not exceed forty feet in depth,—be extended so as to apply to a depth not to exceed fifty feet.

Expropriation how made.

Commissioners to value *seriatim* the whole of the properties to be expropriated.

246. The commissioners shall proceed to the valuation of the immoveables to be expropriated *seriatim* and without interruption, and complete the proceedings, with respect to which they shall make a report for homologation.

Damages for leases made after passing of the act 51-52 Vict., cap. 79.

247. In the valuation made by the commissioners of the immoveables which the city may acquire in the said street, no demand for interest or damages, resulting from leases subsequent to the passage of the act 51-52 Victoria, chapter 79, shall be deemed valid and binding upon the city, except as relates to the then current year, provided the proceedings in expropriation shall have commenced within the six months following the passing of the said last cited act.

Commercial value of property.

In the valuation of the damages, the reduction of the commercial value of the property consequent upon the expropriation shall be taken into account.

Persons wishing to build on new line in advance may do so.

248. Every person, whose property or part of whose property is required for such improvement and who desires to build on the new line and have the necessary work of widening done with respect to his property, before the period fixed for effecting such widening, may do so at any time previous to the confirmation or homologation of the report of the commissioners for the part of the street wherein such proprietor is interested or after the confirmation or homologation of the said report, by accepting the amounts and conditions agreed upon and stipulated for his property or part of his property in such report.

Powers to regulate mode of conveying water from roofs and to prohibit wooden buildings.

249. The council may, as regards the portion of St. Lawrence street above mentioned, determine and regulate the manner of conveying water from the roofs to the ground, and may likewise prohibit the use of any wooden building or portion of a building at present existing along the line of such portion of the street.

Notre-Dame street widened.

250. Notre-Dame street, in the city, shall be widened on both sides, from McGill street to Inspector street, as shown and specified on the homologated plans of St. Antoine and St. Ann's wards.

Cost of improvement how borne.

251. The cost of such improvement shall be borne as follows: one half by the city, and one half by the owners of immovable property in that part of Notre-Dame street, lying between the said McGill and Inspector streets, by means of a special assessment to be imposed upon the immovable property situated on both sides of

the said part of Notre-Dame street, and to be levied and paid in the same manner as the assessment hereinbefore provided in the case of the widening of St-Lawrence street; and with the same privilege to the proprietors of the immoveables aforesaid, to anticipate the payment of their share of the cost of the improvement, as is granted to the proprietors in St. Lawrence street.

252. The council may, by by-law, divide that part of Notre-Dame street, comprised within the above mentioned limits, into two sections as it may deem advisable, and determine the time when the proceedings in expropriation shall commence, and the delay within which the improvement will be completed; provided the same be commenced on or before the first of January, 1890, and be completed on or before the first January, 1892.

Division of street into two sections for purposes of widening.

253. The council may also provide in the said by-law that the expropriations to be made of the immoveables aforesaid, or so much thereof as may be required for the improvement, shall apply to proprietors who have, since the homologation of the said plans of St. Antoine and St. Ann's wards, erected buildings within the said limits of Notre-Dame street, on a line different from that fixed and determined by the said plans.

Expropriation may be extended to certain proprietors.

254. Sections 245, 246, 248, and 249 of this act shall apply, *mutatis mutandis*, to the widening of Notre-Dame street as aforesaid.

Certain sections to apply to widening.

TITLE XXI.

WATER-WORKS.

255. The city may make, construct, and maintain, in and beyond the city, for a distance of thirty miles, water-works, together with all appurtenances and accessories necessary to introduce, and convey throughout the city and parts adjacent, a sufficient quantity of good and wholesome water, for the use and supply of the inhabitants of Montreal and parts thereto adjacent; improve, alter or remove the said water-works, or any part thereof; change the site of the hydraulic wheels, engines or source of supply thereof; construct and maintain all buildings, wheels, engines, reservoirs, basins and other works necessary to convey water to the city and parts adjacent thereto.

City may construct water-works. Powers to that effect.

For the aforesaid purposes, the city may acquire and hold any land, servitude, or usufruct, in the city or within

May acquire land.

a circuit of thirty miles from the city limits ; acquire a right of way wherever it may be necessary ; pay any damages occasioned by such works, either to buildings or lands ; enter into contract with any person for the construction of the said water-works in whole or in part ; superintend and direct the works when completed ; enter, during the day-time, upon the lands of private individuals for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, or other materials, but by paying or offering a reasonable compensation for such materials, and by conforming in all things with the provisions hereinafter made.

Expropriation.

256. When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for the water-works, either within or without the city limits, or the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner herein provided with respect to expropriations generally.

City may enter upon land.

257. The city may enter upon any land or property, street or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

Right of action for damages prescribed.

258. No action or suit shall be taken against the city for damages resulting from the exercise of the powers conferred upon it by the three foregoing sections, unless such action or suit shall be instituted within six months next after the act complained of.

Penalty for obstructing works.

259. If any person prevents the city, or any person in its employ, from doing any of the said works, or from exercising any of the powers and rights hereinbefore granted, or embarrasses or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person shall be liable, in addition to the penalty imposed in section 141, to the damages that the city may suffer from any such act ; such damages, with costs, to be recovered by complaint or suit before the ordinary courts having jurisdiction in the matter.

By-laws may be made :

260. The council shall have full power to make by-laws for the following purposes :

1. To prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed for, or from wasting it ; To prevent waste of water.

2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city ; provide for hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; and to fix the amount of the annual rent to be paid therefor ; To prescribe size and quality of pipes, &c.

3. To regulate and establish, by a tariff, the price of the water, and the time and mode of payment therefor ; To fix tariff of rates.

4. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the city, with regard to the supply of water from the water works ; To prevent frauds, &c.

5. And for any other matter, or thing of any nature or kind whatsoever, having reference to the water-works, which it may be necessary to direct, regulate or determine for the proper working of such water-works. General powers.

261. As soon as the corporation is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given ; and after such notice, all persons liable to the payment of water rates in such part of the city, whether they consent or not to receive the water, shall pay the rates fixed by the tariff. Notice when city is ready to furnish water.

262. The introduction of the water into houses or other buildings is performed by and at the expense of the city ; but the distribution of the water through such houses or buildings, after being thus introduced into them, is made by and at the expense of the proprietors or occupants ; but in all cases where such house or building stands at a distance from the line of the street, the city lays the distribution pipe to the line of the street and has the right to exact payment of the water-rates from the proprietor, although the latter refuses or neglects to connect such pipe with such house or building. Introduction of water into houses and description of pipes.

263. If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rates from the tenant, then such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease. If proprietor refuses to make distribution.

Water supply
may be cut
off.

264. If any person causes any water pipe, valve, cock, cistern, water-closet, bath, or other apparatus to be out of repair, or to be so used or contrived as that the water supplied from the water-works, be wasted, or unduly consumed ; or if he refuses or neglects to pay the rates lawfully imposed for the water supplied to him, for thirty days after the same are due and payable, the city may cut off the water and cease the supply so long as the cause of complaint is not removed ; which shall not prevent the rates from running as before, or exempt such defaulter from the payment of such rates, as if the water continued to be supplied to him.

Special agree-
ment in cer-
tain cases.

265. The city may make a special agreement with consumers for the supply of water, in special cases where it is considered that there is more than the ordinary consumption of water.

Liability of
proprietor.

266. In all cases of a dwelling house or other building being tenanted by two or more tenants, sub-tenants or families, the city may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, sub-tenant or family, occupying separate apartments, so that the city may at all times have control over the supply of water furnished to each such tenant, sub-tenant or family, the same as is practised in cases of single tenanted houses ; and if the proprietor, after being notified in writing to that effect by the superintendent of the water-works, refuses or neglects to comply with the requirements hereof, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, sub-tenants or families, and such liability, on the part of the proprietor shall continue so long as he does not comply with the requirements aforesaid.

Further liabi-
lity of pro-
prietor.

267. Such liability shall apply to any proprietor of a range of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid ; such liability also applies to the proprietor in all cases where the number of tenants, sub-tenants or families in a dwelling-house, is such that it is impossible to provide a separate service pipe for each of them ; and it shall be lawful for the corporation, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, sub-tenant or family.

TITLE XXII.

MISCELLANEOUS.

268. The city clerk, and the city treasurer, may respectively affix their signature to the certificates and to the notices which they are required to give under this act by stamping said signature thereon with a stamp to be previously approved by the council and used exclusively for that purpose; and the signature so affixed shall be, to all intents and purposes, as valid as if in the handwriting of the said clerk or treasurer; and the production of any document or instrument bearing such stamp shall be *prima facie* evidence of the authenticity thereof, and of the authority of the officer to affix the same; and except the officers above referred to, all persons are prohibited from using the said stamped signatures, under the penalty provided in section 141.

City clerk and city treasurer may make use of stamped signature.

269. No railway company shall lay its rails in any of the streets of the city without the permission of the council, save in so far as any such rights have heretofore been granted by the Legislature.

Railway companies to obtain permission to lay rails.

270. The council may suspend or revoke any license granted under any of the provisions of this act, owing to misconduct, incompetency or violation of any by-law on the part of the person holding such license.

Licenses may be revoked.

271. Whereas questions of fact may arise in matters before the council, or its committees, which the interests of justice require to be investigated by the examination of witnesses on oath, and otherwise; and it may also become necessary, in the like interest, to institute inquiries into the truth of representations made to the council respecting matters within its jurisdiction; in any such case, the committee before which any such question arises, or any committee appointed by the council to investigate the same, or to make such inquiry, may issue a summons signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and, if judged expedient, to produce any papers or documents in his possession, or under his control, bearing upon such question or inquiry, or described in such summons;

Power to hold investigations.

If any person so summoned neglects or refuses to appear at the time and place appointed by such summons, or, if appearing, he refuses to be examined on oath touching the said inquiry, or to obey any order to produce

Persons summoned bound to appear, &c.

papers or documents mentioned in such summons, in so far as he is able to do, a return of the issue and service of such summons and of such default or refusal may be made to the mayor, who may thereupon compel the attendance of such person, and compel him to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province of Quebec.

Penalty.

Every person so neglecting or refusing to appear, or refusing to produce papers or be examined as aforesaid, shall, on conviction thereof before the recorder's court, be subject to the penalties prescribed by section 141.

Oath to witness.

The chairman of the committee is authorized to administer the oath to such witnesses.

Public notices.

272. When it is necessary that public notice be given in virtue of any of the provisions of this act or of any of the statutes concerning the city, without any prescription as to the particular manner or form in which it is to be given, then such notice should be given by advertisement in two issues of at least two newspapers published in the English language, and two newspapers published in the French language in the city, and posted in four different places in each of the streets where the immoveables to be assessed are situated.

Special notices.

273. When any special notice is required to be given under this act to any person, such notice may be served either at his residence or place of business in the city ; if such person has no residence or place of business in the city, such person may signify in writing to the city clerk his address outside the city ; in which case, such notice may be served upon him by mailing the same registered to the address so given to the city clerk ; persons who have no residence or place of business in the city, and who have failed to signify their address as aforesaid, shall not be entitled to such notice.

Serving of notice by bailiff.

274. Any bailiff of the Superior Court or of the recorder's court may serve and post up any notification required by this act, and make a return thereof under his oath of office.

Persons claiming damages held to give notice.

275. If any person claims or pretends to have been injured by any accident or casualty, for which he intends to claim damages or compensation from the city, he shall, within thirty days from the date of such accident or casualty, give a notice to the city of such intention, containing the particulars of his claim, and stating his own

domicile ; failing which, the city shall be relieved from all responsibility for any damages or compensation caused by such accident or casualty, any article or provision of the Civil Code to the contrary notwithstanding.

276. All actions, suits or claims against the city, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the right of such actions, suits or claims originated, any article or provision of the Civil Code to the contrary notwithstanding. Prescription of certain suits.

277. The city and the trustees of the Mount Royal cemetery, upon acquiring, at any time hereafter, the grounds of the old Protestant and military cemeteries, situated on Papineau road, may convert the same into a public square, and make all necessary arrangements, and determine the conditions upon which the said pieces of ground may become the property of the city. Old cemeteries converted into public squares.

278. The city police force shall have power, authority and jurisdiction, during exhibition time, over that piece of land adjoining the north west limits of the city, used for the purposes of industrial and agricultural exhibitions, and commonly known as "the Exhibition Grounds," and all streets, roads and property between the same and the city or adjacent to such exhibition grounds ; and may arrest or cause to be arrested any person contravening the law or the provisions of any by-law of the municipality of St. Louis du Mile-End, or any law or statute concerning games or gambling or the sale of intoxicating drinks ; and may proceed against such person before the proper tribunal. Jurisdiction of police extended.

279. The agreement between the city and "The Dominion Abattoir and Stock Yards' Company" and "*La Compagnie d'Abattoirs de Montréal*" made under the provisions of the act 48 Vict., cap. 67, and the by-laws passed by the council with respect to such abattoirs, are hereby confirmed ; saving to the council the right to alter and amend the same. Agreement with abattoir companies and by-laws confirmed.

280. The city may recover from any abattoir company situated in, or in the vicinity of, the city, as or on account of the salary of the health officers appointed by the council to inspect the cattle and other animals killed at any such abattoir, a sum not exceeding five hundred dollars per annum for each abattoir worked by any such company. Health inspector at abattoirs.

Sale of cattle regulated.

281. The council may, by by-law, prohibit the sale, within the limits of the city, of every animal intended for slaughtering, and may exact a duty on every animal that shall be brought in the cattle yard reserved, on behalf of the city, near the said abattoirs, which duty shall be levied in the same manner as any tax or assessment may be levied under this act.

Privy-vaults when emptied under contract.

282. When the council, in its discretion, may deem it expedient to cause privy-vaults or privies in the city to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract ; provided such price does not exceed seven cents per cubic foot ;

Rights of contractor.

Such contractor has the right to recover from the owner of the premises, the sum due under such contract, before the ordinary tribunals.

Power as to sewers in private lanes.

283. The power of the council to assess proprietors to defray the cost of construction of a sewer in any street of the city may be exercised as to any sewer that may be ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health.

Acts repealed. Saving clause.

284. All acts inconsistent with the provisions of this act are hereby repealed ; but the repeal of such acts shall not be understood as affecting any matter or thing done, or required to be done, resolutions, decisions, orders or other proceedings of the council, debentures, promissory notes, shares, or obligations issued, or by-laws made under and by virtue of such acts, or rolls of assessment or apportionment ; but such matters or things, debentures, promissory notes, obligations, by-laws, or rolls of assessment or apportionment, and the sinking fund to be provided, shall continue to be regulated by such acts, until they shall be changed, altered, replaced or repealed by any proceeding adopted in virtue of this act, in which case all such matters and things, resolutions, decisions, orders of proceedings, debentures, promissory notes, obligations, and by-laws and rolls of assessment or apportionment, shall be regulated and controlled by this act.

Coming into force.

285. This act shall come into force on the day of its sanction.

SCHEDULE.

A

(See sec. 23.)

Oath of Mayor or Alderman.

I, A. B., having been elected mayor, (or alderman, as the case may be) for the city of Montreal, do swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized and possessed, for my own use, of immoveable property, in the city, after the payment or deduction of all charges thereon, of the value of four thousand dollars, (or two thousand dollars, as the case may be,) and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected mayor, (or alderman as the case may be,) as aforesaid: So help me God.

(Signature.)

B

(See sec. 37.)

Notice to Electors of Completion of " Voters' List."

VOTERS' LIST.

Public notice is hereby given that the municipal voters' list for the several wards of the city of Montreal, made by the assessors and checked by the city treasurer, according to law, has been delivered to the undersigned, and that the said list shall be kept in the office of the undersigned, in the city-hall, for the examination of all concerned, from ten o'clock in the morning, till four o'clock in the afternoon, every day, until the final revision thereof.

Public notice is hereby further given, that the board of revisors, appointed to revise the voters' list, will meet in

the city hall, at the hour of ten o'clock, in the morning, on the fifth day of January next, and daily thereafter, at the same place and hour until the said list is revised and settled.

And any elector who deems himself aggrieved by the omission of his name, in such list, or by any letter importing disqualification set against his name by the city treasurer as aforesaid, or who may desire to object to any name on the list, shall be held to give written notices to the Board of Revisors on or before the fourth day of January next, which notices shall be delivered at the office of the city clerk; the complainant shall further be held to appear, either personally or through his representative, before the board of revisors, to make good his application.

(By order,)

(Signature.)

City Clerk.

City Clerk's Office, City Hall,

Montreal, (date.)

C

(See sec. 40.)

Certificate of revision of Voters' Lists.

I, the undersigned, do hereby certify that the above list of municipal voters for the electoral district number _____ in the _____ ward of the city of Montreal, for the current year, has been revised by the board of revisors, according to law, and that _____ is the exact number of qualified voters in such electoral district.

(Signature)

Chairman Board of Revisors.

City Clerk.

CITY HALL,

Montreal,

18

D

(See sec. 46.)

Nomination paper.

We, the undersigned duly qualified to vote at municipal elections, in the city of Montreal, do hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of mayor of the said city (*or alderman for the ward of the said city*) as the case may be.

In witness whereof we have signed at Montreal this
day of 18

(Signatures with residences and occupations.)

Signed by the said electors in presence of (*name, occupation and residence,*)

I, the said nominated in the foregoing nomination paper, hereby consent to such nomination

Witness my hand at Montreal this day of 18

(Signature.)

Signed by the said in presence of

(Signature.)

E

(See sec. 47.)

Oath of attestation of the nomination paper and of the consent of the candidate.

I, A. B. of the city of Montreal (*profession*) solemnly swear that I know (*mentioning the name of the signers known to him*) and that they are duly qualified to vote at the election of mayor (*or alderman, as the case may be*) about to be held, and that they respectively signed the foregoing, (*or annexed*) nomination paper with their signatures in my presence, and further (if the case be so) that

I know the said _____ thereby nominated,
and that he signed his consent to the nomination in my
presence.

(Signature.)

A. B.

Sworn before me
at Montreal this _____
day of _____ 18

F

(See sec. 51.)

Commission of a deputy returning officer,

To _____
(give name, occupation and residence,)

Know you that, in my capacity of chairman of the board
of revisors, I have appointed, and do hereby appoint you
deputy returning officer, for poll number _____ of the
_____ electoral district in the _____ ward of the
city of Montreal, to act in that capacity according to law,
at the election of mayor (or alderman, as the case may be,)
to be held in the said city (or ward, as the case may be,
stating the particular ward in which the election is to take
place), on the _____ day of the month of _____

Given under my hand, at Montreal,
day of the month of _____

(Signature.)

F F

(See sec. 51.)

POLL BOOK

		Number of voters.
		NAMES OF THE VOTERS.
		Their occupation.
	No.	Their place of residence.
	Street.	
		Owners.
		Tenants or occupants.
		Objections.
		Sworn or affirmed.
		Voters refusing to take the oath or affirmation.
		Votes given.
		Electors voting after others have voted in their name.
		Ballot papers prepared with the aid of the deputy returning officer.
		General remarks.

G

(See sec. 55.)

Oath of Voters

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

H

(See sec. 90.)

Oath of Assessors.

I, A. B., having been appointed assessor for the city of Montreal, do swear that I will faithfully, impartially, honestly, and diligently, execute the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature.)

J

(See sec. 101.)

Notice to Rate-payers

Public notice is hereby given, that the assessment roll of the city of Montreal, for the ward of the said city, (*or the special roll of assessment for the, specify the purposes for which such roll is made*) is completed, and is now deposited in the office of the undersigned, in the City Hall.

All persons, whose names appear therein as liable for the payment of any tax or assessment, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

(Signature.)

CITY HALL,
Montreal, (*date.*)

City Treasurer.

K

(See sec. 102.)

Notice for the Collection of Taxes &c.

CORPORATION OF MONTREAL CORPORATION OF MONTREAL

Mr.

COPY OF ACCOUNT.

Notice Served, \$

(Date of Notice.)

Costs \$

Notice,

Mr.

To the City of Montreal.

Dr.

To taxes, assessments, or
Water Rates,

(Here state Account.)

\$

SIR,

Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below ; in default whereof, execution will issue against your goods and chattels.

CITY HALL,

Montreal, (date.)

Costs \$

Notice,

(Signature,)

City Treasurer.

L

(See sec. 103.)

Warrant of Seizure.

Province of Quebec, }
City of Montreal, } IN THE RECORDER'S COURT OF THE
CITY OF MONTREAL.

The Recorder of the City of Montreal :

Debt	\$			
Costs				
Warrant.....				
	\$			

To any Bailiff of the
Recorder's Court of the
City of Montreal.

WHEREAS, A. B. (*name and designation of debtor*) hath been required by the city treasurer, to pay into his hands, for and on behalf of the city, the sum of _____ being the amount due by him to the city, as appears by the assessment-roll, for the year 18 ____ ; and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of _____ : these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the city treasurer, sell the goods and chattels so by you detained, and do pay the money arising from such sale unto the city treasurer, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern ; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under the hand of the clerk of } X. Y.,
the Recorder's Court, at Montreal, this } Clerk of the
day of _____ in the year } Recorder's Court.

M

(See sec. 104.)

Notice of Sale of Goods and Chattels.

Public notice is hereby given, that on _____ next, the good chattels of the parties hereinafter named and designated, now under seizure for non-payment of assessments (or other dues, as the case may be,) will be sold by public auction, at the hours and places hereinafter mentioned to wit :

NAMES.	AMOUNT.	PLACE OF SALE No. STREET.	HOUR OF SALE.

(Signature.)

CITY HALL
Montreal, date

City Treasurer

N

(See sec. 111.)

NOTICE OF SALE OF IMMOVEABLES.

PUBLIC NOTICE is hereby given that the immoveable properties hereinafter mentioned and more particularly described in a Schedule filed in my office, on the day of 18 , will be sold by me, at my office in the City of Montreal, on the day of 18 , at ten o'clock in the forenoon upon a claim by the City of Montreal for taxes and assessments due as detailed in such Schedule.

Schedule No.	Wards.	Cadastral number.	Street.	Assessed Proprietor.	Amount claimed.	Nature of claims.

SHERIFF'S OFFICE,

Montreal,

18

(Signature.)

Sheriff

18

First published,

O

*(See sec. 134.)**Certificate of the City Treasurer of Assessable Rate.*

I hereby certify, for the information of the council of the city of Montreal, that a rate of _____ on the assessed value of the immoveable property liable to assessment in the said city, is in my opinion (after making a fair allowance for losses and deficiencies in the collection of such rate,) required to produce a net amount equal to that now due for interest, (principal, *if any due*) on the city of Montreal consolidated fund, or on any of the loans which the city is authorized to make.

CITY HALL,

(Signature.)

Montreal, [date]

City Treasurer.

P*(See sec. 213, § 7.)**Oath of Commissioners in Expropriations.*

I _____, having been appointed commissioner under the provisions of the [*cite the act*] do swear that I will faithfully, impartially, honestly, and diligently, execute all the duties of the said office, according to the best of my judgment and ability : So help me God.

(Signature.)

Montreal,

(date)