

THE CHARTER

OF THE

CITY OF MONTREAL:

TOGETHER WITH

MISCELLANEOUS ACTS OF THE LEGISLATURE RELATING TO THE CITY

COMPILED BY ORDER OF THE CITY COUNCIL.

BY

CHS. GLACKMEYER,
CITY CLERK.



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1865.

PART FIRST.

CITY CHARTER AND OTHER ACTS

OF

THE LEGISLATURE,

RELATING TO

THE CITY OF MONTREAL.

CHARTER OF THE CITY OF MONTREAL.

(14 AND 15 VICTORIA, CAP. 128.)

An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal.

(Sanctioned on the 30th August, 1861.)

WHEREAS it is expedient to amend and consolidate the provisions of two certain Ordinances of the Legislature of the heretofore Province of Lower Canada, made and passed in the fourth year of Her Majesty's Reign, and respectively intituled, *An Ordinance to incorporate the City and Town of Montreal*, and *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, and of certain Acts of the Legislature of this Province, passed in the eighth, ninth and eleventh years of Her Majesty's Reign, and respectively intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance*,—*An Act to amend the Laws incorporating the City of Montreal, and to facilitate the decision of cases wherein the right of any party to any office in the Corporation may be called in question*,—*An Act to*

Ordinances of 3
and 4 Vic., c. 39
and 35, cited.
Vic., c. 59.—9
Vic., c. 21, and
43.—11 Vic., c.
11, cited.

*amend an Act therein mentioned, and to make better provision for the Election of Councillors and Assessors of and for the City of Montreal,—and An Act to amend the Laws relating to the Incorporation of the City of Montreal, and to vest certain other powers in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, constituted by the said Ordinance therein first mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;* and it is hereby enacted by the authority of the same, That the inhabitants of the said City and Town of Montreal, and their successors, inhabitants of the same, incorporated under the said Ordinance herein first mentioned, shall continue to be, and shall be, as provided in and by the said Ordinance herein first mentioned, a body corporate in fact and in name, by and under the name, style and title of *The Mayor, Aldermen and Citizens of the City of Montreal,* and as such shall have perpetual succession, and a Common Seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, 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, movable and immovable estate, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and for granting and accepting any Bills, Bonds, Judgments or other Instruments or Securities, for the payment or securing of the payment of any money borrowed or lent, or the performance, or securing the performance, of any other duty, matter or thing whatsoever.*

Corporation
continued.

General cor-
porate powers
granted.

2. And be it enacted, That for the purposes mentioned in the preceding section of this Act, and especially for the payment or securing the payment of any money borrowed, for the purpose of paying loans already made, or debts now owing by the said Corporation, or of taking up Bonds that may be due or may hereafter become due, or for the purpose of making a new loan or loans, to the extent hereinafter by the fifty-second and fifty-third sections of this Act prescribed, or for any other legitimate and sufficient purpose whatsoever, the said Council may grant and issue Bonds for the sum or sums of money therein to be specified, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the United States of America, in any part of Great Britain, or elsewhere, and either in the currency of this Province, or in sterling money, or in the currency of the country where the same may be respectively made payable, as by the said Council may be thought advantageous or expedient.

3. And be it enacted, That the tract of land which, in and by a certain Proclamation of His Excellency Alured Clarke, Esquire, Lieutenant-Governor of the heretofore Province of Lower Canada, issued under the Great Seal of the said last mentioned Province, and bearing date the seventh day of May, in the year of our Lord, one thousand seven hundred and ninety-two, was and is described as being comprehended within the City and Town of Montreal, and which it was therein declared, should be thenceforward called by that name, shall, as provided by the said Ordinance herein first mentioned, constitute and be, and be called, the City of Montreal.

4. And be it enacted, That for the purposes of this Act, the said City of Montreal shall, from and after the passing of this Act, be divided, for the purposes of the same, into nine Wards, called respectively, East Ward, Centre Ward, West Ward, Saint Anne's Ward, Saint Antoine Ward, Saint Lawrence Ward, Saint Louis Ward, Saint James Ward, and Saint Mary's Ward.

5. And be it enacted, That the said wards of the City of

Powers to grant bonds.
Limits of the
City of Montreal defined.
City divided into nine wards.
Boundaries of

the several Wards.

Montreal shall be divided, bounded and limited as follows, that is to say :

East Ward.

The *East Ward* of the said city, on the south-east by that part of the River Saint Lawrence opposite to, and extending from Lacroix Street to the extremity of Walker Lane ; on the south-west by the middle of Walker Lane and Saint Gabriel Street, to Craig Street : on the north-west by the middle of Craig Street, from Saint Gabriel Street aforesaid, to Sanguinet Street, and continuing down Sanguinet Street until it meets Saint Louis Street, from thence, along the middle of the said Saint Louis Street, to where the said Saint Louis Street meets Lacroix Street aforesaid ; lastly, on the north-east by the centre of Lacroix Street aforesaid, from Saint Louis Street aforesaid to the River or point of departure.

Centre Ward.

The *Centre Ward* of the said city shall continue to be, and shall be divided, bounded and limited as follows, that is to say : on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of Walker Lane to the middle of the extremity of Callières Street ; on the south-west by the middle of the said Callières Street, and crossing the interval between the said Callières Street and Saint François Xavier Street, by the middle of Saint François Xavier Street, to Craig Street ; on the north-west by the middle of Craig Street to Saint Gabriel Street ; and lastly, on the north-east by the middle of the said Saint Gabriel Street and Walker Lane, to the River, or point of departure.

West Ward.

The *West Ward* of the said city shall continue to be, and shall be divided, bounded and limited as follows, that is to say : on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of the extremity of Callières Street to the middle of the extremity of McGill Street ; on the south-west by a line passing through the centre of McGill Street and through Commissioners' Square, to Craig Street : on the north-west by the middle of Craig Street as far as Saint François Xavier Street ; and lastly, on the north-east by the middle of Saint François

Xavier Street and Callières Street, to the River, or point of departure.

The *Saint Anne's Ward* shall be bounded as follows: on ^{Saint Anne's} _{Ward.} the north-east by the centre of M'Gill Street, commencing at the River Saint Lawrence; thence north, along the centre of M'Gill Street, to its junction with the centre of Saint Joseph Street; thence along the centre of Saint Joseph Street to the City boundary; thence along the said boundary line in a south-easterly direction, to the River Saint Lawrence, and thence to the place of beginning.

The *Saint Antoine Ward* shall be bounded as follows: on ^{Saint Antoine} _{Ward.} the north-east by the centre of M'Gill Street, and through Commissioners' Square to Craig Street; thence north, through the centre of Craig Street, to Alexander Street; thence, through the centre of Alexander Street, to the centre of Saint Catherine Street; thence, the north-west side of the centre of Saint Catherine Street to City Councillors' Street; thence, the south-west side of City Councillors' Street to Sherbrooke Street; thence, the north-west side of the centre of Sherbrooke Street to Durocher Street; thence, the south-west side of the centre of Durocher Street, and the extension of the same to City boundary line: thence, along the same line so far as it may extend towards the south-west; thence, along the said line, in a south-east direction, to the centre of Saint Joseph Street; thence, to the north-west of the centre of Saint Joseph Street, till intersecting the centre of M'Gill Street, the point of commencement.

The *Saint Lawrence Ward* shall be bounded as follows: ^{Saint Lawrence} _{Ward.} on the north-west side of the centre of Craig Street, commencing at Saint Lawrence Main Street, and continuing to Alexander Street; thence, the north-east side of the centre of Alexander Street, to Saint Catherine Street; thence, the north-west side of the centre of Saint Catherine Street to City Councillors' Street; thence, the north-east side of the centre of City Councillors' Street, to Sherbrooke Street: thence, the south-east side of the centre of Sherbrooke Street, to Durocher Street; thence, the north-east side of the centre of Durocher Street, to the City boundary line; thence, along

the said line towards the north-east, until the same joins the centre of Saint Lawrence Main Street; thence, the south-west side of the centre of Saint Lawrence Main Street, to Craig Street, or the place of beginning.

Saint Lewis Ward.

The *Saint Lewis Ward* shall be bounded as follows: commencing at the centre of Saint Louis and Saint Denis Streets, continuing south-west along the centre of Saint Louis Street to Sanguinet Street; thence, along the centre of Sanguinet Street until intersecting the centre of Craig Street; thence, the north-west of the centre line of Craig Street, until it arrives at the middle of Saint Lawrence Main Street; thence, the north-east side of the centre of Saint Lawrence Main Street, to the City boundary line; thence, along the said line, towards the north-east, until intersecting the centre of Saint Denis Street; thence, the south-west of the centre of Saint Denis Street, to the middle of Saint Louis Street, the point of commencement.

Saint James Ward.

The *Saint James Ward* shall be bounded as follows: the north-east side of the centre of Lacroix Street, commencing at the River Saint Lawrence and continuing to Saint Louis Street; from thence, the north-west side of the centre of Saint Louis Street, to Saint Denis Street; from thence, the north-east side of the centre of Saint Denis Street, with the extension thereof, to the City boundary; thence, along the City boundary line towards the north-east until it intersects the continuation of the centre of Visitation Street; thence, continuing the said line of the centre of Visitation Street, in a south-east direction, until the same shall reach Saint Mary Street; and thence, from the centre of Barclay Street, to the River Saint Lawrence; and thence, along the said River, to the place of beginning.

Saint Mary's Ward.

The *Saint Mary's Ward* shall be bounded as follows: the north-east side of the centre of Barclay Street, commencing at the River Saint Lawrence, to Saint Mary Street; and thence, continuing from the centre of Visitation Street to the City boundary line; thence, along the said line, towards the north-east, so far as the same may be found to extend; thence, continuing the said line in a south-easterly direction

until the same shall reach the River Saint Lawrence : and thence, along the said River, to the place of commencement.

6. And be it enacted, That there shall be elected in the manner hereinafter mentioned, one fit person, who shall be and be called the Mayor of the said City of Montreal, and a certain number of fit persons, who shall be and be called Aldermen, and a certain number of other fit persons, who shall be and be called Councillors of the said city ; and such Mayor, Aldermen and Councillors, for the time being, shall be and be called the Council of the said city.

Aldermen of the said city, and a certain number of other fit persons, who shall be and be called Councillors of the said city ; and such Mayor, Aldermen and Councillors, for the time being, shall be and be called the Council of the said city.

7. And be it enacted, That no person shall be capable of being elected Mayor of the City of Montreal, or an Alderman thereof, unless he shall have been a resident householder within the said city for one year next before such election, and unless he shall be seized and possessed, to his own use, of real or personal estate, or both, within the said city, after payment or deduction of his just debts, of the value of one thousand pounds currency.

8. And be it enacted, That no person shall be capable of being elected a Councillor of the said City of Montreal, unless he shall have been a resident householder within the said city for one year next before such election, and unless he shall be seized or possessed, to his own use, of real or personal estate, or both, within the said city, after payment or deduction of his just debts, of the value of five hundred pounds currency.

9. And be it enacted, That no person shall be capable of being elected Mayor, Alderman or Councillor of the said City of Montreal, or of voting at any election of city officers, who shall not be a natural born or naturalized subject of Her Majesty and of the full age of twenty-one years ; nor shall any person be capable of voting or of being elected at any such election who shall have been attainted for treason or felony, in any court of law within any of Her Majesty's dominions.

10. And be it enacted, That no person being in Holy Orders, or being a Minister or Teacher of any Dissenting or

Religious Sect, nor any Judge or Judges, Clerk or Clerks of any Court, or any Member of the Executive Council, nor any person accountable for the city revenue, or receiving any pecuniary allowance from the city for his services, or any officer or person presiding at an election of a councillor or councillors, while so presiding, nor any clerk or assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said city, or of being a Mayor, an Alderman or a Councillor of the said city.

[Section 11, relative to the qualification of Voters, repealed by 4th section of 23 Vic., cap. 72.]

Election of
Mayor, &c.

12. And be it enacted, That the Mayor of the said city shall be elected by the majority of the votes of all the Electors of the said city, qualified as aforesaid, taken in the wards in which they are severally and respectively entitled to vote in the election of councillors as aforesaid.

The Voters'
List.

13. And whereas provision for the Registry of Voters has been found equitable and convenient, Be it enacted, That before the first day of January, in every year, the Assessors hereinafter mentioned shall make out from the last Assessment Roll, an alphabetical list of the Voters qualified to vote at the election of Councillors in each ward, to be called "The Voters' List," to which they shall add the names of all such persons, not on the said Assessment Roll, as they know are then entitled to vote at such election, according to the provisions of this Act, and the said Assessors shall sign such list, certifying that it is correct to the best of their knowledge and belief, (and shall also keep a true copy thereof,) which list they shall deliver to the City Clerk, to be by him submitted to the Board of Revisors.

Lists to be pub-
licly exposed
for one month.

14. And be it enacted, That the said list shall be kept in the City Hall for the examination of all concerned, at reasonable hours, from the first to the fifteenth day of January, inclusive, of which fact the City Clerk shall give immediate public notice, either by printed placards, or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said

city ; and any person who shall claim to be added to the said "Voters' List," or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the ward to which he belongs, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of January.

15. And be it enacted, That at their last Quarterly Meeting in every year after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a *quorum* to revise the said Voters' List, and decide, according to the best of their judgment, upon the claims previously made as aforesaid, for the insertion or omission of names in or from the said Lists ; and the Mayor, or in his absence, such person as the other members of the Board shall choose at the meeting, shall preside at the meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by one Justice of the Peace for the District of Montreal, well and impartially to perform their duties as such Revisors ; and the said Board shall give public notice, before their first day of sitting, of the order in which they will take up the Lists of the several Wards ; and they shall meet on the twentieth day of January, or on the day following, if that day be a holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims, and deciding upon them, and shall adjourn from day to day until all the Voters' Lists are revised and settled ; and the Mayor or person presiding at the said Board for the time being, shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists ; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions or erasures to or from the said Voters' Lists, in relation to the applications before them ; and the said Board shall also have power to correct any mistake, or supply any accidental omission made by Assessors in the

Claims, how to
be made.

Board of Re-
visors to be
appointed—Its
duties.

Who shall pre-
side.

Board to give
notice of their
order of pro-
ceeding, &c.

said Lists ; and the said Lists, so revised and settled, shall be signed by the presiding Officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' Lists : Provided always, that the said lists shall be finally completed before the tenth day of February : And provided also, that no person's name shall be erased from any of the said Lists without his being informed of the claim to that effect, and having an opportunity to be heard in reference thereto.

Publication of the revised lists.

Persons named in them, producing a certificate, may vote.

16. And be it enacted, that the Voters' List for each Ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the office of the City Clerk ; and that every person whose name shall appear in such Ward List, and who shall produce a certificate as hereinafter mentioned, shall be entitled to vote at the election for Mayor of the said city, and for a Councillor or Councillors, as the case may be, for such ward, without any further enquiry as to his qualification, and without taking any oath other than that he is the person named in such list, and has not before voted at such election, which oath the Mayor, or any Alderman or Councillor, or the Recorder of the said city, is hereby required and authorised to administer.

Voters to obtain certificates, and not to vote without them.

17. And be it enacted, That on the application of any person whose name shall be on the Voters' List for any ward, at any time on or after the fifteenth day of the said month of February, and until the close of the said elections, the City Clerk shall deliver to such person a certificate signed by him, that the name of such person is on the Voters' List for such ward, and that he is entitled to vote at the election to be held for Mayor of the said city, and for a Councillor or Councillors for such ward, and such certificate shall be deposited by the Voters in the City Hall in the manner hereinafter provided ; and no person shall be entitled to vote at the election without producing and delivering such certificate, although his name be on the Voters' List for the ward.

Public notice of polling places, &c., to be given.

18. And be it enacted, That public notice shall be given by the City Clerk, in both languages, and in at least

one newspaper published in the English language, and in one published in the French language in the said city, of the time when the elections shall be held, and the said certificates may be deposited in the City Hall; such notice being given at least three days before the election to which it shall refer; but no want of or defect in such notice shall vitiate any election.

19. And be it enacted, That the election of Mayor and Councillors aforesaid shall annually take place and be held in manner following, to wit: The Corporation of the said city shall cause books to be prepared in which shall annually be entered and recorded the names of all persons who, being qualified to vote at the said elections, shall produce and deposit their certificates of qualification in the City Hall of the said city at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of February until Thursday intervening between the first and second Mondays in the month of March, in each year, both days inclusive; that the said certificate shall be prepared and made out on a sheet of paper having two leaves thereto, on the inner one of which shall be printed or stamped blank lines, followed by the words, "For Mayor," and "For Councillor in the Ward," printed or stamped as follows, to wit:

For Mayor,

For Councillor in the

Ward.

For Councillor in the

Ward.

That the party entitled to the said certificate, and desirous of voting, shall fill up the said blanks, or, if unable to write, shall cause the same to be filled up in the presence of two subscribing witnesses, with the names of those persons for whom he may desire to vote, and whom he may wish to have elected Mayor of the said city and Councillor or Councillors thereof, as the case may be, for the Ward in which he is entitled to vote; That the holders of the said certificates being the parties named therein, may produce the same to the City Clerk of the said city, in the City Hall thereof, at any time within the hours and periods hereinbefore specified,

and after entry made by the City Clerk of the name of the said Voter, and the date of the production of the said certificate, the holder thereof being the party named therein as aforesaid, may deposit the said certificate in a suitable and closed box, in the said City Hall, labelled with the name of the ward in which the said party may be entitled to vote, of which description of box, appropriately labelled, the said Corporation shall furnish one for each ward of the said city; That at the time of producing and depositing the said certificate, the said Voter shall be under no necessity of declaring or making known for whom he may vote either as Mayor or Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said certificate and vote: That it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said city, or for the Recorder thereof, to administer the oath prescribed in the fifteenth section of this Act, to any party producing a certificate of qualification, and claiming a right to deposit the same and vote at the said election; And it shall be imperative on the said Mayor and Recorder, and on each and every Alderman and Councillor of the said city, to administer the said oath, upon the requisition to that effect, of any duly qualified Voter in the said city, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting; and any person who shall swear falsely upon the said oath being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence; That the said nine boxes (one for each ward) shall severally be locked with five locks each; that each lock shall be different from the other, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; That the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said boxes cannot be opened unless in the presence of all the

members of the said Board; That immediately after the said Thursday intervening between the first and second Mondays in March, the said Board of Revisors shall meet in the City Hall, shall open the said boxes, and shall cause the entries and record of the City Clerk in the said books to be perfected, by entering and recording in the said books the names of the persons for whom each Voter shall or may vote, to be elected Mayor or Councillor as aforesaid: And the said Board of Revisors shall ascertain and report to the Council of the said city, at its next Quarterly Meeting, on the Monday, Tuesday or Wednesday following, or if prevented from so doing, then at its next Special Meeting, the total number of votes given for each candidate, the name of the candidate for the office of Mayor for whom the greatest number of votes shall have been given by the Voters in all the Wards, and the candidates for the offices of Councillors, for whom the greatest number of votes shall have been given in each of the said several Wards: and the said Council shall, after examination of the said books, certificates, and report of the said Committee, thereupon declare the parties having the greatest number of votes to be respectively elected Mayor and Councillors of the said city: and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office: Provided, Proviso.

Council to declare the parties having a majority of votes respectively elected Mayor and Councillors.
Case of equality of votes.

that the newly elected members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing; and the said Mayor and Councillors elect shall afterwards respectively take the oaths prescribed by this Act: and the said books, with the names of the said Voters, and the names of the parties for whom they have respectively voted, together with the certificates produced and deposited by the said Voters, shall remain in the office of the City Clerk, where they shall be open to inspection by any elector, on payment of one shilling.

20. Provided always, That in the event of the decease or absence, from illness or otherwise, of any one or more of the members of the said Board of Revisors, the Council shall

If any of the Revisors be dead or absent, others to be appointed in their stead.

appoint from among themselves, other Revisors in the stead of those who shall be so deceased or absent as aforesaid, which said Revisors so appointed shall be sworn in the same manner as those in whose stead they shall be so appointed,

To act for the purpose of the election only.

If Council be unable to appoint Revisors in the stead of those who are absent, &c., duties to be performed by the remaining members of the Board.

Penalty if Revisor neglects or refuses to perform duties.

21. And be it enacted, That if any Revisor appointed under the provisions of this Act shall neglect or refuse to perform any of the duties required of him under the next preceding section, he shall incur a penalty of two hundred pounds currency.

Mayor, his term of office.

22. And be it enacted, That the said Mayor so elected, shall continue in office as Mayor of the said city, until his successor in the said office of Mayor shall have been elected and sworn in ; And in case a vacancy shall occur in the office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first General or Special Meeting thereof after such vacancy, elect from among the members of the Council, another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to have served ; And if any person be elected at the same time Mayor of the said city and a Councillor for any of the wards thereof, he shall be held and bound to declare within four days after notice given to him of the said elections, which office he will accept: Provided that if he be not legally excused from accepting the office of Mayor, he shall be held and bound to accept the same, and shall incur and pay a fine or penalty of one hundred pounds for non-acceptance thereof, and the said fine or penalty shall be incurred and paid, notwithstanding that he may, at the same time, accept

Case of a vacancy occurring in the office of Mayor.

Any person being elected Mayor and Councillor, to declare which office he accepts.

Proviso.

Penalty for non-acceptance.

the office of Councillor : Provided also, that if any person so elected Mayor and Councillor at the same time, shall accept the said office of Mayor, then a new election of Councillor shall be held for the Ward for which such person was elected Councillor, within a period to be appointed by the Mayor for that purpose, and in the manner, and subject to the same conditions, as are hereinafter provided for extraordinary vacancies in the said Council.

If the office of Mayor be accepted, a new election of Councillor to be held.

23. And be it enacted, That each and every person who shall at any election of a Mayor or Councillor or Councillors to be had as aforesaid, wear or carry any flag, ribbon or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall be armed with, or carry, or have in his possession any cane, stick, club, stave, bludgeon, axe-handle, or any other offensive instrument or weapon whatsoever, or who by violence, menace or malicious practice or in any manner or way whatsoever, shall or may impede or disturb, or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same, according to his or their wish or desire, shall and may be liable to be forthwith arrested on view, by any Justice of the Peace for the said City of Montreal, or by any Peace Officer or Constable, present on duty at any such election, or by warrant issued by any Justice of the Peace, and so arrested to be committed to safe custody or confined in the Common Gaol of the District of Montreal, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested for their future peaceable conduct, and that they shall duly appear and answer to any charge that may be made against them, and for or on account of which they may be so arrested ; and each and every such person, on conviction of any of the offences hereinbefore enumerated, for which he may be so arrested on view or by warrant as aforesaid, shall forfeit and pay a fine or sum of money not exceeding twenty-five pounds current money of this Province, and be liable to an imprisonment not exceeding

No person to carry flags, ribbons, or badges at elections.

Nor to act violently, nor disturb the election.

Under pain of being arrested anew and confined.

And of a penalty and imprisonment.

three months' detention at hard labour in the Common Gaol or the House of Correction of the said district, for every such offence.

In what ward
an elector may
vote.

24. And be it enacted, That persons entitled to vote at the election of Mayor or Councillors as aforesaid, shall vote within the particular Ward in which the property constituting their qualification to vote shall be situated, and not otherwise ; and if any such person shall be possessed of property qualifying him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

Representation
of the wards
after the 1st
March, 1852.

25. And be it enacted, That from and after the first Monday in the month of March now next, the said several Wards shall be represented in the Council of the said city by three Councillors, each independently and exclusively of the person to be elected Mayor as aforesaid ; that the said Mayor shall not continue in office without being re-elected longer than one year, and until his successor in office shall have been elected and sworn in ; and no Councillor elected or to be hereafter elected for any of the said Wards shall continue in office without being re-elected, for any longer period than three years ; that at the next annual election of a Mayor and Councillors in the said city, to be held in the City Hall thereof, between the fifteenth day of February now next, and the Thursday intervening between the first and second Mondays of the month of March following, the inhabitant householders and persons qualified to vote as aforesaid, shall elect from the persons qualified to be Councillors, two fit and proper persons to be Councillors for each of the said Wards hereinbefore designated as the Saint Anne's, the Saint Antoine, the Saint Lawrence, the Saint Lewis, the Saint James, and the Saint Mary's Wards respectively, and also from the persons qualified to be Councillors for each of the other three Wards, such number of persons as shall be required to supply the places of those who shall then go out

Mayor, how
long to remain
in office.

Councillors,
their term of
office.

Councillors to
be elected at the
next elections.

On the first Mon-
day in March,
in each year, a
Councillor to go
out of office, and
which.

of office ; and that on the first Monday of the month of March, in each and every year, that Councillor for each and every of the said Wards respectively, shall go out of office who shall have been member thereof for the longest time without

re-election : Provided that whenever any two Councillors are ^{Proviso.} elected at the same time in any ward, that Councillor shall first go out of office who shall have been elected by the smaller number of votes ; And provided always, that when- ^{Proviso.} ever any two members of the Council for any of the said wards may be elected by an equal number of votes, then it shall be determined by a majority of the Council, which of the members thereof for such said wards shall go out of office : And provided further, that any member going out of office ^{Proviso: May be re-elected.} may be re-elected, if qualified according to the provisions of this Act.

26. And be it enacted, That if at any election of a Coun- ^{No person to serve as Councillor for more than one ward.} cillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one ward of the said city, he shall, within three days after notice thereof from the City Clerk, make his option, or, on his default, the Mayor of the said city shall declare, for which one of the said wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that ward only, and in no other.

27. And be it enacted, That to facilitate the decision of cases in which the right of any person to hold or exercise any office in the Corporation of the said city may be called in question, the Superior Court for the District of Montreal, sitting in Term, or at its weekly sittings for the cognizance of suits and actions of a civil nature, shall, on the information (*requête libellée*) of any citizen of the said city qualified to vote at the election of Councillor for some ward thereof, supported by affidavit to the satisfaction of the Court or of such Justices, and complaining that any person illegally exercises, or assumes, or attempts to exercise the office of Mayor, Alderman, or Councillor of the said city, have full power and authority to order the person so complained of to appear before such Court or Justices, and to shew by what authority he exercises, or assumes, or attempts to exercise such office ; and such order shall be served (with a copy of the information) ^{Superior Court, in term, or at its weekly sittings, to try and adjudicate cases under this Act.} upon the party complained of, at least three days before that on which such party shall be ordered to appear ; and the said ^{Process.}

Court shall have full power and authority thereupon to try and adjudge upon the right of the person so complained of to exercise the office in question, and to make such order in the case, and to cause (if need shall be) such writ of *Mandamus* or order to be addressed to the Corporation of the Mayor, Aldermen and Citizens of Montreal, as to right and justice may appertain; and such order or writ shall be obeyed by the said Corporation, and by all other parties whatsoever, and from the judgment of the said Court in any such matter as aforesaid, there shall be no appeal; and the said Court shall have full power to tax and award such costs against any party as in their discretion they shall deem right: Provided always,

Proviso.

that so far as may be consistent with this Act, the forms of proceeding in any such case as aforesaid, shall be as summary as may be consistent with a due examination into the merits of the case: And provided also, that the authority and powers conferred by this section on the said Superior Court in Term, or at its weekly sittings, shall apply to cases where the party complained of, exercised, or assumed, or attempted to exercise the office in question before the passing of this Act; and that any proceedings commenced in Term before the Court may be continued before the weekly sittings of the said Court; and any proceedings commenced before the said Court in the weekly sittings thereof, may be continued before the said Court in Term.

Mayor to appoint a day for elections.

28. And be it enacted, That whenever hereafter it may happen that from any cause whatsoever, an election for a member or members of the said Council of the said city shall not take place for any ward or wards of the said city at the time fixed therefor by law, or appointed therefor by the Mayor of the said city, it shall be lawful for the said Mayor, as soon thereafter as expedient, to appoint a period within which an election or elections, in lieu and place thereof, shall be held and take place, in the City Hall of the said city, in the manner hereinafter prescribed.

Four quarterly meetings in each year, of three days each.

29. And be it enacted, That there shall be in each year four Quarterly Meetings of the said Council, which shall be held on the following days, that is to say, on the second Mon-

day of the months of March, June, September and December, in each and every year : and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included.

30. And be it enacted, That the Mayor, Aldermen and Councillors of the City of Montreal, who shall be in office

Mayor, &c., now
in office, to con-
tinue in office.

when this Act shall come into force, shall continue in office until required to go out of office under the provisions of this Act ; and the person who shall so be the Mayor of the City of Montreal at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act ; and on the first Monday in March in each and every year, one of the Members of the Council for each Ward shall go out of office ; and on the first Monday in March now next, and on the first Monday in March in each succeeding year, those Members of the Council for each Ward respectively shall go out of office who shall have been Members thereof for the longest time without re-election : Provided always, that if on the first Monday in March next, or in any succeeding year, there shall be a vacancy or vacancies in the office of any Member or Members of the Council for any Ward, who would not, under the provisions of this section, have gone out of office on that day, then a Member or Members of the Council shall be elected for the Ward to fill such vacancy, as well as in the place of the Member who shall then go out of office under the provisions of this section : And provided also, that it shall be allowable for any Member of the said Council to resign his said office of Councillor, and vacate his seat in the said Council, if the reason assigned by him for so doing be considered good and sufficient, and his said resignation be accepted of by not less than two-thirds of the Members composing the said Council. And if in any year, the first Monday in March be a holiday, all that by this section is ordered to be done on that day, shall be done on the following day.

One member for
each ward to go
out of office in
March every
year.

If at such elec-
tion a further
vacancy should
occur, another
member to be
elected.

case of a holi-
day.

31. And be it enacted, That at the first Quarterly or Special Meeting of the Council of the said city, after the election of Members thereof next year, and each subsequent

Election of Al-
dermen.

year, the said Council shall elect from among the Members of the said Council, so many as may then be requisite, with those Aldermen remaining in office, to make the number of nine, (if so many Members there be duly qualified, and if there be not, then such less number as may be so qualified,) to be Aldermen of the said city, until the time when they shall respectively cease to be Members of the said Council under the provisions of this Act, and no longer: Provided always, that any Alderman going out of office, in any year, may, if re-elected as a member of the Council, at the next or any subsequent election of Councillors, be re-elected as an Alderman.

*Alderman
going out of
office may be
re-elected.*

*Extraordinary
vacancies in
Council, how
to be filled up.*

*Period for
which such per-
son shall be
elected.*

*Limitation of
period for hold-
ing such extra-
ordinary elec-
tion.*

*Vacancies
among the Al-
dermen, how
supplied.*

32. And be it enacted, That if, after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said city, for any Ward thereof, the inhabitant householders and persons qualified to vote in the Ward for which such vacancy shall have occurred, shall, within a period to be appointed by the Mayor, after such vacancy shall have occurred, elect from the persons qualified to be Members of the Council, a person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions in this Act contained, with respect to other elections of Members of the said Council; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would, in ordinary course, have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year: And provided also, that as soon as any such extraordinary vacancy in the office of Member of the said Council shall have been supplied, if the Member of the Council whose office so became vacant, was an Alderman, it shall be lawful for the said Council to elect from the Members of the said Council, qualified to be Aldermen, a person to be Alderman in the room of the Alderman whose office may have so become vacant.

33. And be it enacted, That whenever and so long as the Mayor of the said city may be absent from the said city, or from sickness be incapable of discharging the duty of Mayor of the said city, the said Council shall elect from the Aldermen of the said city, one who shall, during such absence or sickness of the Mayor of the said city, have all the power, authority and rights vested by law in the Mayor of the said city, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by law on the Mayor of the said city ; and whenever and so often as a vacancy shall occur in the office of Mayor of the said city, the said Council shall elect from among the Aldermen thereof, one who shall, during such vacancy, act as Mayor of the said city, and shall, until such vacancy be filled up, have all the authority, power and rights vested by law in the Mayor of the said city.

34. And be it enacted, That at any Quarterly or Special Meeting of the said Council after the election of Members thereof, in the year of our Lord one thousand eight hundred and fifty-two, and in each succeeding year, the said Council shall appoint as many Assessors for the said city, not exceeding nine in number, as may be necessary, and the said Council may grant the said Assessors such remuneration for their services, as they the said Council may deem fitting ; and the said Council may order and determine in what and how many wards the said Assessors shall act, and if they see fit, that the Assessors to be appointed shall act as such, throughout the whole city limits ; and it shall be the duty of the said Assessors to make the Assessments, to assess all property, and to make returns of all persons liable to pay any rate, duty, tax or impost for or by reason of any cause whatsoever, in the said city, in like manner as the same has been hitherto done in the said city ; and the said Assessors shall not hereafter, in the performance of the duties vested in and imposed upon them by law, base their proceeding, estimate or assessment of property, on a fancied value or rental thereof as has heretofore often been done, but that they the said Assessors shall be, and they are hereby re-

In case of absence or sickness of the Mayor, Council to elect an Alderman to act in his place.

Council to appoint Assessors.

May remunerate them.

Assessment to be made on the actual value of all such property, upon the actual and *bona fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property.

quired to determine the assessment to be made by them on all such property, upon the actual and *bona fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property, but if otherwise, then on the interest of the actual value of the property assessed; and where property to be assessed is in the occupation or possession of the proprietors thereof, the said Assessors shall be, and they are hereby required to determine the Assessment to be paid thereon, upon and according to the rent, which the said property may be worth, and ought to obtain, were the same to be leased, at a fair and equitable rental, by the said proprietor at the time; and henceforth, all vacant and unoccupied lots of land within the limits of the said city, shall be assessed in all their depth, to their whole extent, and at their full value, that is to say, on the interest of the actual value thereof.

Assessors to be sworn. 35. And be it enacted, That every person to be appointed Assessor as aforesaid, shall, before he begin to act as such, or execute the duties of his said office, take the oath of allegiance, and also the following oath, before the Mayor of the said city, or any two Members of the Council thereof, that is to say:

For what period
Assessors may
act.

36. And be it enacted, That notwithstanding any thing to the contrary in any Act or Law heretofore passed, or in force in this Province, it shall not be necessary for the Assessment in the said city to be made between the tenth day of May and the tenth day of June in each year, but that the powers and authority of the Assessors elected and appointed or to be hereafter elected and appointed under and by virtue of this Act, shall be and continue in force, and may be exercised for and during the period and term of their election and

appointment, to wit, until the first Monday in March in the year next following their said election and appointment.

37. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings composed of not less than two-thirds of the Members thereof, to make a By-law or By-laws, which shall regulate and determine the time when the Assessors of the said city shall annually commence their duties, the manner in which they shall perform them, the period within which they shall annually make their first general return of the Assessments to be levied and obtained in the said city, and the time and manner in which they may or shall correct their said return, by extending the same, and adding thereto the names of any parties omitted or who shall have become known to the said Assessors, or shall have arrived in the said city subsequently to the making thereof, or who shall have become liable to pay any Assessment, Tax or Duty to the said city, at any time after the said general return shall or may have been made; and in the event of any vacancy or vacancies occurring in the office of Assessor or Assessors, by the non-election of any Assessor or Assessors, at the time fixed by law therefor, or by the absence or death of any person or persons elected or appointed to that office, or by the refusal or inability of any Assessor or Assessors elected or appointed, to attend to, perform and fulfil the duty or duties which he or they are or may be bound or required by law to attend to, perform and fulfil, it shall and may be lawful for the said Council, at any Quarterly or Special Meeting thereof, to elect, nominate and appoint one or more competent and duly qualified person or persons to fill and supply such vacancy or vacancies.

38. And be it enacted, That at the Quarterly Meeting to be held by the said Council in the month of December in the year one thousand eight hundred and fifty-two, and at the Quarterly Meeting to be held by the said Council in the month of December of every succeeding year, the Members of the said Council shall elect, by a majority of votes, from the persons qualified to be Councillors, two persons who shall be, and be called Auditors of the said City of Montreal; and every

Their qualification and term of office. such Auditor shall continue in office until the second Monday in the month of March in the year following his election : Provided always, that no Member of the said Council, nor the Clerk, nor Assistant Clerk of the said city, shall be capable of being elected an Auditor as aforesaid : And provided further, that any vacancy that may occur in the office of Auditor, may

Disqualification of certain persons to be Auditors. Vacancy in office of Auditors, how filled up.

be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any subsequent General or Special Meeting ; and the person so elected, shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

Oaths to be taken by the Mayor, Aldermen or Councillors.

39. And be it enacted, That no person elected to be Mayor, Alderman or Councillor as aforesaid, shall be capable of acting as such, except in administering the oaths herein-after mentioned, until he shall have made and subscribed before any two or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the said oath to each other), the oath of allegiance to Her Majesty, Her Heirs and Successors ; and also an oath in the words or to the effect following, that is to say :

Oath.

“ I, A. B., having been elected Mayor (*or Alderman or Councillor, as the case may be*) for the City of Montreal, do sincerely and solemnly 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 or possessed, for my own use, of real or personal estate, or both, in the said City of Montreal, after the payment or deduction of my just debts, of the value of One Thousand Pounds (*or Five Hundred Pounds, 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, (Alderman, *or Councillor, as the case may be*), as aforesaid : So help me God.”

Fines for non-acceptance of office.

40. And be it enacted, That every person duly qualified, who shall be elected to the office of Mayor, Alderman or Councillor, or appointed Assessor or Auditor, of the said

city as aforesaid, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said city, and for the use of the said city, a fine as follows, that is to say: for non-acceptance of the office of Alderman or Councillor, a fine of Fifty Pounds; for Auditor or Assessor, as <sup>As Alderman or
Councillor, as
Auditor or As-
sessor, as
Mayor.</sup> non-acceptance of the office of Auditor or Assessor, a fine of Fifty Pounds; and for non-acceptance of the office of Mayor, a fine of One Hundred Pounds; and every person so elected or appointed, shall within four days after notice of his election or appointment, accept such office by taking the oath of allegiance, and in the case of the Mayor, Aldermen and Councillors, by making and subscribing the declaration hereinbefore mentioned, and in the case of the Assessors and Auditors, by taking and subscribing the oath hereinbefore prescribed, and in default thereof shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed: Provided always, that any person not qualified to make the said declaration, may be permitted and shall be held and bound to make oath that he is not seized or possessed of real or personal estate, or both, in the terms of the said declaration, of the value of One Thousand Pounds, or Five Hundred Pounds, *as the case may be*, in which case, but not otherwise, he shall be exempted from accepting or filling the said office: Provided also, that no persons disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid: And that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election from the City Clerk: And provided also, that no Military, Naval, or Marine Officer, in Her Majesty's Service, on full pay, nor any Member of the Legislature of this Province, or of the Executive Council, nor any Surveyor <sup>Acceptance of
office to be made
by taking oaths,
&c.</sup> <sup>Persons not
qualified, to
swear to their
non-qualifica-
tion.</sup> <sup>Exemption
from said
offices.</sup>

General, Adjutant General of Militia, or Provincial Secretary, nor the Provincial Postmaster General, or his Deputies, nor any Custom House Officer, Sheriff, or Coroner, nor the Clerks and Commissioned Officers of the Legislature or of the Executive Council, nor any Schoolmaster, shall be held or bound to accept or hold any such office as aforesaid, or any other office in the said city.

Cases in which
the Mayor, Al-
dermen or
Councillors
shall become
disqualified.

41. And be it enacted, That if any person holding the office of Mayor, Alderman, or Councillor, shall be declared Bankrupt, or shall become insolvent, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or shall take or enter into Holy Orders, or become a Minister or Teacher of any Religious Sect, or a Judge or Clerk of any Court, or a Member of the Executive Council, or shall become accountable for the City Revenue, or receive any pecuniary allowance from the city for his services, or shall be absent from the said city for more than two calendar months at one and the same time, or shall be absent from the Meetings of the said Council for more than two calendar months consecutively, (unless in case of illness, or with leave of the Council) then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman, or Councillor, as aforesaid ; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office.

Mayor, Alder-
men, and Coun-
cillors to be Jus-
tices of the
Peace.

Mayor to have a
salary.

Council to name
City Clerk.

42. And be it enacted, That the Mayor of the said city for the time being, shall be Justice of the Peace for the City and District of Montreal : and that the Aldermen and Councillors of the said city for the time being shall severally be Justices of the Peace for the said City of Montreal, and it shall be lawful for the said Common Council, from and out of the moneys belonging to the said city, to grant and allow to the said Mayor, for the time being, in lieu of all fees and perquisites, such salary not exceeding Five Hundred Pounds, and not less than Two Hundred Pounds, as the said Council shall think fit.

43. And be it enacted, That it shall be lawful for the said

Council of the said city, from time to time, as occasion may require, to appoint a fit and proper person, not being a Member of the Council, to be Clerk of the said city, and another fit person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said city : one or more fit person or persons, not being of the Council, to be the Clerk or Clerks of the Markets of the said city ; and one or more Surveyor or Surveyors of highways, streets and bridges ; and such number of Overseers of highways, streets and bridges, as they may deem necessary ; and one Collector for each of the Wards of the said city ; one or more Pound Keeper or Pound Keepers for the said city, and such other Officers as they may think necessary, to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer, and appoint another in his place ; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer or other officer, as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer and other officer, to be appointed as aforesaid, such salary, aid, allowance or other compensation for their services, as they may think fit ; and whenever and so long as the said Clerk of the said city may be absent from the said city, or, from sickness or any such cause, be incapable of discharging the duties of the office of the said City Clerk, it shall be lawful for the Mayor of the said city, by a writing under his hand, to appoint a fit and proper person to be Assistant Clerk of the said city ; and every such Assistant Clerk shall, during the time for which he may be so appointed, discharge the duties of the office of the said City Clerk : and all acts, matters and things done by the said Assistant City Clerk, during the time of his appointment, shall have the same force and effect as if performed by the City Clerk of the said city.

44. And be it enacted, That so much of a certain Act of the Legislature of the heretofore Province of Lower Canada, passed in the thirty-sixth year of the Reign of His late III, c. 9. (L. C.)

*City Treasurer,
Clerks of Markets.*

*Surveyors of
Highways.
Overseers.*

Collectors.

*Pound keepers
and other
officers.*

*To prescribe
duties.*

*Security to be
taken.*

*Salaries to be
given.*

*In case of ab-
sence or sick-
ness of City
Clerk, Mayor
may name As-
sistant Clerk.*

*Powers of Tre-
surer, Assessors,
Surveyors, &c.,
under 3 George*

Majesty King George the Third, intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province and for other purposes*, as provides for the appointment of Assessors and of a Road-Treasurer for the said City of Montreal; and also a certain Act of the Legislature of the said heretofore Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty

^{39 Geo. IV, c. 16.} King George the Fourth, intituled, *An Act to increase the number of Assessors for the Cities of Quebec and Montreal*; and also so much of a certain other Act of the Legislature of the said heretofore Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King

^{39 Geo. III, c. 5.} George the Third, intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign*, intituled "An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes," as provides for the appointment of a Surveyor of the highways, streets, lanes and bridges in the said City of Montreal, by the Governor, Lieutenant Governor, or person administering the Government of the said heretofore Province of Lower Canada, and which were repealed by the said Ordinance to incorporate the City and Town of Montreal, shall continue to be, and shall be and remain repealed; and all and every the powers, authority and duties, which, in and by the said Acts, or any other Act or Acts of the Legislature of the said heretofore Province of Lower Canada, were before the passing of the said Ordinances to incorporate the City and Town of Montreal, vested in, and imposed on, the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road-Treasurer, and of the said Surveyor of Highways, Streets and Bridges in the said city, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinances to incorporate the City and Town of Montreal, are now vested in and imposed on the Assessors appointed in pursuance of the last mentioned Ordinance and on the Treasurer of the said city, and on the Surveyor of Highways for the said

Transferred to
the same officers
appointed under
this Act.

City of Montreal, appointed respectively under the authority of the last mentioned Ordinance, shall continue to be, and shall be and remain vested in, and imposed on the Assessors, Treasurer of the said city, and on the Surveyor of highways for the said City of Montreal, respectively, who may be in office under the authority of the said last mentioned Ordinance when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of the present Act : Provided always, that all duties that may be performed by the said Assessors, may be performed with equal force and effect by a concurring majority in number of the said Assessors, and that in all cases where there may be a difference of opinion among the said Assessors, the opinion of a concurring majority in number of them, any two or more shall have the same force and effect as if the whole of the said Assessors had concurred : and if the said Assessors, acting without a third, or preponderating Assessor, differ in opinion, the third, remaining or preponderating Assessor shall examine the premises respecting which such difference of opinion may have occurred, and by his opinion confirm that of one or other of the Assessors or divisions of Assessors who may have so differed, and the opinion so confirmed shall have the same force and effect as if the three or more Assessors had concurred in it ; and in each of the cases above mentioned, and in every other such case, the Assessor or Assessors dissenting may make an entry in the Assessment Books of the reasons of his or their dissent.

45. And be it enacted, That the Treasurer of the said city, shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received or paid, as such Treasurer, and the several matters for which such sums shall have been received or paid ; and the Books containing the said accounts shall, at all seasonable times, be open to the inspection of any of the Aldermen or Councillors of the said city ; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, on the first day of February in each and every year, be submitted by such Treasurer to the Auditors elected for the said city as afore-

The duties of
Assessors may
be performed
by a majority of
them.

Case of differ-
ence of opinion,
how met.

Treasurer of the
city, his duties.

Accounts to be
annually sub-
mitted to the
Auditors and to
the Council for
examination
and audit.

said, and to such Members of the said Council, as the Mayor of the said city shall name ; and the said Books of accounts, accounts and all vouchers and papers relating thereto, shall, from the first to the last day of February, inclusively, in each and every year, be open to the examination of the said Auditors, and Councillors to be named by the Mayor, for the purpose of the said Books and accounts being examined and audited for the year preceding such annual examination ; and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so ; and after the said accounts shall have been so examined and audited, in the month of February in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said city, and copies thereof shall be delivered to all rate-payers of the said city applying for the same, on payment of a reasonable price for each copy.

*On what orders
Treasurer may
make pay-
ments.* 46. And be it enacted, That the Treasurer of the said city shall not pay any moneys, in his hands as such Treasurer, otherwise than upon an Order in writing of the Council of the said city, signed by three or more Members of the said Council, and countersigned by the Clerk of the city, or in pursuance of a Judgment or Order of any Court of Justice.

*City officers to
render detailed
accounts.* 47. And be it enacted, That the Clerk, Treasurer and other Officers of the said city, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing, of all matters committed to their charge, by virtue or in pursuance of this Act ; And also, of all moneys which shall have been by them respectively received, by virtue, or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such pay-

ments : and every such Officer shall pay all such moneys as To pay over all
shall remain due from him to the Treasurer, for the time due.
moneys by them
being, or to such person as the said Council shall authorize
to receive the same ; And if any such Officer shall refuse or
wilfully neglect to deliver such account, or the vouchers How they may
relating to the same, or to make payment as aforesaid, or be provided
shall refuse or wilfully neglect to deliver to the said Council,
or to such person as they shall authorize to receive the same,
within three days after being thereto required by the said
Council, all Books, Documents, Papers, and Writings in his
custody or power as such Officer as aforesaid, then, and in
every such case, on complaint made on behalf of the said
Council, of any such refusal or wilful neglect as aforesaid, to
any Justice of the Peace for the District or County wherein
such Officer shall reside or be, such Justice of the Peace Judgment to be
shall be, and is hereby authorized and required, to issue a obtained in a
Warrant under his Hand and Seal, for bringing any such
Officer before any two Justices of the Peace for such District
or County ; And upon the said Officer appearing, or not
appearing, or not being found, it shall be lawful for the said
Justices to hear and determine the matter in a summary manner ;
And if it shall appear to such Justices, that any moneys
remain due from such Officer, such Justices may, and they are hereby authorized and required, on non-payment thereof,
by Warrant under their Hands and Seals, to cause such
moneys to be levied by distress and sale of the goods and
chattels of such Officer ; and if sufficient goods and chattels
shall not be found to satisfy the said moneys and the charges
of the distress, or if it shall appear to such Justices that such
Officer has refused or wilfully neglected to deliver such Ac-
counts, or the Vouchers relating thereto, or that any Books,
Documents, Papers, or Writings which were or are in the
custody or power of such Officer, in his official capacity, have
not been delivered as aforesaid, or are wilfully withheld, then,
and in every such case, such Justices shall, and they are hereby required, to commit such Officer to the Common
Gaol or House of Correction for the District or County where
such Officer shall reside or be, there to remain without bail,

In default of
payment, the
party may be
imprisoned.

Term of imprisonment limited.

Remedy by action not to be abridged against such officer or his surety.

At meetings of Council, majority to decide all questions.

Who shall preside.

Casting vote to member presiding.

Special meetings, how called.

In case of refusal by the Mayor to call such meetings, five

until he shall have paid such moneys as aforesaid, and shall have delivered a true Account as aforesaid, together with such Vouchers as aforesaid, and until he shall have delivered up such Books, Documents, Papers and Writings as aforesaid, or have given satisfaction in respect of the matters aforesaid, to the said Council : Provided always, that no person so committed shall be detained in prison for want of sufficient distress only for a longer space of time than three calendar months : Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid or against any surety for any such Officer.

48. And be it enacted, That in all meetings of the said Council, majori-
ty to decide all
questions.
the Members present at such Meeting shall determine all questions and matters submitted to, or under the consideration of the said Council, provided that the number present at the said Meeting be not less than one-third part of the whole number of the said Members of the said Council ; And at all such Meetings, the Mayor of the said city, if present, shall preside, and in case of his absence, such Alderman, or, in the absence of all the Aldermen, such Councillor as the Members of the Council so assembled shall choose to be Chairman of any such Meeting, shall preside at the same ;

And in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not in any case, while so presiding, have a vote as a Member of the Council, nor unless the votes be as aforesaid equally divided.

49. And be it enacted, That it shall be lawful for the Mayor of the said city, or, in case of his absence from the said city, or sickness, for the Alderman of the said city, elected in the manner hereinbefore provided to fill his place, to call a Special Meeting of the said Council, when and as often as the said Mayor, or, in case of his absence or sickness as aforesaid, the said Alderman of the said city, may deem it proper, after three days' previous notice thereof ; and in case the said Mayor, or the said Alderman, during the absence or

sickness of the said Mayor as aforesaid, shall refuse to call any such Meeting, after requisition for that purpose, signed by five or more Members of the said Council, or in case of the absence or sickness as aforesaid of the said Mayor and of the said Alderman at the same time, it shall be lawful for any five or more Members of the said Council to call a Meeting of the said Council, after three days' previous notice, which notice shall be signed by the said Members; And every such notice, whether given by the Mayor, or by the said Alderman, or by any five or more Members of the said Council, shall specify the business for which the proposed meeting is to be held; and in all cases of such Special Meetings as aforesaid, a Summons, to attend the Council, summarily specifying the business to be transacted at such Meetings, and signed by the City Clerk, shall be delivered to every Member of the said Council, or shall be left at the usual place of abode of every Member of the said Council, three days at least before such Meeting.

50. And be it enacted, That the Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a Book to be kept for that purpose, and shall be signed by the Mayor, Alderman or Councillor presiding at such Meeting, and the said Minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of one shilling; and the said Meetings shall be held with open doors, and all extracts from the Book required to be kept by this section of this Act, and all copies of entries therein, and generally all Certificates, Deeds and Papers signed by the Mayor of the said city, and countersigned by the City Clerk of the said city, and under the Seal of the said city, shall, in all Courts of Justice in this Province, be taken and received as *prima facie* evidence of the facts set forth in such Extracts, Copies, Certificates, Deeds and Papers, respectively.

51. And be it enacted, That at any Quarterly or Special Meeting of the said Council of the said City of Montreal, when the business before the meeting cannot be gone through with, or be fully disposed of, it shall be competent to the said

members may
call a meeting
after certain
notice.

Business before
such meetings
to be specially
mentioned in
such notice.

Minutes of pro-
ceedings at
meetings to be
kept.

Meetings to be
held with open
doors.

Copies of en-
tries, certified
by the Clerk
and under the
City Seal, to be
deemed as *pri-
ma facie* evi-
dence.

Council may
hold adjourned
meetings.

Council to adjourn the said meeting from time to time and as often as may be necessary or be thought expedient by the said Council, for the consideration and disposal of the said unfinished business ; but that no new business shall be brought before, or be considered at, any such adjourned meeting, or any other subject or business than the unfinished business of the previous meeting : that it shall not be necessary to give notice of any such adjourned meeting to any Members present at the time of the adjournment of the said Council, but that notice thereof and of the unfinished business to be considered and transacted thereat, be given in all possible cases, to the Members of the said Council not present at the said adjournment : and for that purpose, that, except in cases of great emergency, no adjourned meeting be held within less than twelve hours' delay from the time of the adjournment of the preceding meeting.

Council may name committees.

52. And be it enacted, That it shall be lawful for the said Council to appoint, from and out of the Members comprising such Council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

Certain powers formerly vested in magistrates to be exercised by the Council.

53. And be it enacted, That all and every the powers and authorities which, in and by any Act of the Legislature of the heretofore Province of Lower Canada, in force at the time of the passing of the said Ordinance to incorporate the City and Town of Montreal, had been, and were at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace for the said District of Montreal, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Montreal, or any of them, for, touching, or concerning the laying out, making, erecting, keeping in repair and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses,

sewers, market-houses, and weigh-houses, and other public erections and works in the said City of Montreal, or any of them, and for, touching and concerning the dividing of the said city into divisions, and the appointment of Overseers of highways, streets and bridges in the said city, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for, a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said City of Montreal, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Montreal, became and was vested in the said Council of the said City of Montreal, shall continue to be vested in and exercised by, and shall be and remain vested in, and exercised by the said Council of the said City of Montreal; and all real and personal property within the said city, which, before the passing of the said Ordinance to incorporate the City and Town of Montreal, were subject to the management, control or authority of the Justices of the Peace for the said District of Montreal, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become, and are subject to the power, authority, order and control of the said Council of the said city, shall continue to be, and shall be and remain, subject to the power and authority, order and control, of the said Council of the said city; and the said Council shall, moreover, have the exclusive power to grant or refuse Council to grant ferry licenses.

Ferry Licenses to persons plying as Ferrymen to the said City of Montreal from any place within nine miles of the said city; any law, usage or custom to the contrary notwithstanding.

54. And be it enacted, That it shall be lawful for the said Council of the said City of Montreal to borrow, on the credit of the said city, such sum or sums of money as the said Council of the said city may think proper to borrow on the credit of the said city: Provided always, that the total amount borrowed, and remaining unpaid, exclusive and independent of the amounts due, or to become due, for the purchase of the Montreal Water Works, authorized to be made in and by the Council authorized to borrow to a certain extent.

Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works*, shall not exceed at any one time the sum of One Hundred and Fifty Thousand Pounds, currency ; and all and every public moneys raised, or to be raised, by assessment as aforesaid, and all moneys now due and payable, or that may hereafter be due and payable to the said Council of the said city, as well as all other moneys hereafter to be raised or received by and under the authority of that Act, or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the said city, and with the payment of the sums of money which have been already borrowed by the said Council of the said city, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and owing by the said Council of the said City ; and all sums of money heretofore legally borrowed by the said Council of the said city, and still remaining unpaid, and all sums of money hereafter to be legally borrowed by the said Council of the said city, and generally all debts now legally due or hereafter to be legally due by the said Council of the said city, shall be payable from and out of all or any moneys that may be raised or received by the said Council, under the authority of this Act, or under the authority of any other Act now in force, or that hereafter may be in force in this Province, or by any other cause or causes whatever.

Corporation
may borrow a
further sum, for
the extension
and improve-
ment of Water
Works.

55. And be it enacted, That for the purpose of extending and improving the said Water Works, it shall and may be lawful for the said Corporation of the said city, to borrow over and above the sum of One Hundred and Fifty Thousand Pounds, current money aforesaid, to which the said Corporation is limited in the next preceding section of this Act, such sum or sums of money not exceeding the sum of Fifty Thousand Pounds current money aforesaid, in all, as the said Corporation may find it necessary or expedient to borrow for the

extension and improvement of the said Water Works, and it shall and may be lawful for the said Corporation to issue ^{May issue debentures, &c.} under the Hand of the Mayor, and the Seal of the Corporation, Debentures or Corporation Bonds, for the sum or sums of money to be so borrowed as aforesaid for the extension and improvement of the said Water Works, payable at such time and times after the granting and issuing thereof, to the bearer thereof, either within this Province, or any place or places without this Province, and either in the currency of this Province or in sterling money, or in the currency of the place where the same may be respectively made payable, which said Bonds shall bear interest payable semi-annually, on the first ^{To bear interest.} days of May and November in each year, and at a rate not exceeding six per centum per annum, and all such Debentures or Bonds may have *Coupons* thereto annexed, for the said ^{Coupons of debentures, &c.} half yearly interest thereon, which *Coupons* being signed by the Mayor shall be respectively payable to the bearer thereof when the half yearly interest therein mentioned becomes due, and shall on payment thereof be delivered up to the Corporation, and the possession of any such *Coupon* by the Corporation ^{Possession of coupons, to be evidence of payment of interest, in a certain case.} shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such Debentures or Bond, and all the provisions of this section shall apply as well to the Debenture or Bonds, heretofore ^{Debentures to come under this section.} issued, as to those to be issued after the passing of this Act, and all such Debentures or Bonds, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by special ^{To be secured on general funds, &c.} privilege on the said Water Works, immediately next in order to and after extinction by payment of the Debentures or Bonds already issued for the purchase of the said Water Works under and by virtue of the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and all the privileges and advantages granted and secured to the said Debentures or Bonds, already issued as aforesaid for the purchase of the said Water ^{Privileges of said Act in favor of Bonds already issued extended to}

^{7 Vict., c. —.}
cited.

those to be issued under this Act.

Proviso: as to priority of privilege.

A rate or assessment to be levied for supplying water.

Who is to be subject to such rate.

Rate, when payable.

Not to exceed 1s. 6d. in the pound, &c.

By whom paid.

Notice to be given.

For a broken period, the rate to be in proportion.

As to the rate per annum.

Proviso: no further charge to be made.

Works, in and by the above mentioned Act, shall be and the same are hereby extended to, granted and secured for and in favour of the Debentures or Bonds which shall or may be hereafter issued by the said Corporation in pursuance of this Act: Provided that nothing herein contained shall be held or construed to affect or destroy the priority of privilege of the said Bonds so as aforesaid already issued for the purchase of the said Water Works.

56. And be it enacted, That it shall and may be lawful for the said Corporation, when and so soon as they are prepared to supply the said city or any parts thereof with water, to specify and declare by a By-law, that the proprietors or occupiers of houses, stores and similar buildings in the said city, or in such parts thereof as they are ready to supply as aforesaid, or both the said proprietors and occupants shall by reason thereof be subject to an annual rate or assessment payable at the periods to be fixed by the said By-law, to the said Corporation, which rate or assessment shall not however be made payable before the water is ready to be supplied to the said proprietors or occupiers by the said Corporation, and shall not exceed One Shilling and Six pence in the Pound on the assessed annual value of the said houses, stores and similar buildings, and the said rate or assessment shall and may be imposed upon, and shall be payable by all such proprietors and occupiers, as well by those who consent as by those who refuse to receive into their houses, stores or other buildings, the water-pipe to receive the same, but such rate or assessment shall not be payable by the proprietors or occupiers of any such house, store or building, in the said city, until after the said Corporation shall have notified him, that they are prepared and ready to supply such house, store or building, with water; and if from the time of such notification, to the next period appointed for the payment of such rate or assessment, there shall be any broken period, then such rate or assessment shall be payable *pro rata*, for such broken period as if accruing day by day; but the rate per annum shall not exceed that limited by this Act: Provided that no other or further charge than the said rate or assessment shall be made

for the supply of the water as aforesaid, any thing in the said last mentioned Act to the contrary notwithstanding:

And Provided also, that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Corporation, and the work performed by the same, but the distribution of the said water through the said houses, stores or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers, if required by them.

57. And be it enacted, That the said Corporation shall have power to make special agreements with parties interested for the supply of water for any Steam Engine, Baths, Breweries, Distilleries, Manufactories, Livery Stables, Hotels, or other special cases: And in all cases where any party receiving or entitled to receive a supply of water from the said Corporation, shall neglect or refuse to pay the said rate or assessment, it shall be lawful for the said Corporation to turn off the water from the premises of the said party, and to discontinue the supply of water to the said party; but the said party shall notwithstanding continue to be liable for, and shall be bound to pay the said arrears, and likewise the rate or assessment thereafter to become due under the said By-law.

58. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two-thirds of the members thereof, to make By-laws, which shall be binding on all persons for the following purposes, that is to say:

For the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the said city, and for the prevention and suppression of all nuisances, and all acts and proceedings in the said city, obstructive of, or opposed, or disadvantageous to, the good rule, peace, welfare, improvement, cleanliness, health, internal economy or local government of the said city.

For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said Council is now, or may be hereafter invested, either

*Proviso: as to
who shall bear
certain expen-
ses*

*Corporation
may make spe-
cial agreements,
in certain cases,
for the supply of
water.*

*Supply of water
may be discon-
tinued for non-
payment.*

*Party to remain
liable to arrears
and subsequent
rates.*

*Council to make
By-laws for cer-
tain general
purposes.*

*For the cleanli-
ness, health, and
local govern-
ment of the city.*

*For raising and
applying moneys,
by tolls,
rates, or assess-
ments.*

by imposing tolls and rates, to be paid in respect of any Public Works within the said city, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the said city, or upon the owners or occupiers thereof in respect of such property, provided that such assessment may in any one year, amount to, but shall not exceed (excepting as hereinafter provided) One Shilling and Six pence in the Pound on the assessed yearly value of the property, liable to such assessment ; and by imposing a duty or duties on the keepers of

*Or duties on
public houses,
retailers of spi-
rituous liquors,
pedlars.*

houses of public entertainment, and the retailers of spirituous liquors, and on Merchants and Dealers and the Agents of all such resorting to, or visiting the city, to take or receive orders therein, or to sell therin, or buy according to sample, contract or agreement, or in any other manner or way whatsoever, and on all hawkers, pedlars, and petty chapmen

*Theatres, Ac.,
horses, carri-
ages, billiard
tables, dogs,*

within the city ; and on all proprietors, owners, agents, managers or keepers of Theatres, Circuses or public entertainments, Exhibitions or shows of any kind ; or of horses or carriages of any kind kept for pleasure, for use, for working or for letting or hiring out, or of billiard tables, ball alleys or games, amusements or means of gambling of any kind, or of

*Wholesale and
retail dealers,*

dogs within the said city ; and on all wholesale or retail dealers in goods, wares or merchandize of any kind, within the said city, and the premises occupied by any and all such ;

Banks.

on Bankers, Banks and all agents of Bankers or Banks and the premises occupied by all such, and on all Banking Institutions, and all premises occupied as Banks, Bank agencies, or for Banking purposes of any kind whatsoever, in the said city, except that particular class of Savings Banks in the said city which are or may be established for the benefit and advantage of the industrial and labouring classes of the people, and not for the profit of the Stockholders, which said class of Savings Banks are hereby exempted from any special rate or assessment, other than the ordinary rate or assessment

Forwarders,

levied on all real property in the said city ; on all Forwarding Merchants or Forwarders and the agents of all such, and all premises occupied by them ; on all Brokers and money

Brokers,

changers and the agents of all such, and the premises occupied by all such Brokers, money-changers or their agents in the said city; on all Insurance Companies, and all agents ^{Insurance companies,} of, or for any Insurance Company or Companies in the said city, and all premises occupied by such Insurance Companies, or by any agent or agents of, or for any such in the said city; on all agents of merchants residing in any other ^{Agents.} city or place in this said Province, or elsewhere; on all Telegraph Companies and the agents of all such in the said city, and on the proprietors of all Telegraph wires or means of communication in the said city, or passing through any part thereof; on all Gas Companies, and the premises used ^{Gas companies,} and occupied by all such within the said city; on all keepers ^{Coffee houses,} of Eating Houses, Coffee Houses and Ordinaries; on all ^{Auctioneers, &c.,} Auctioneers, Grocers, Bakers, Butchers, Hucksters, Pawn-brokers, Livery Stable Keepers and Carters; on all Traders ^{Manufacturers,} and Manufacturers, and the agents of all such; on all ^{Brewers and distillers,} Brewers, Distillers, Soap or Candle Manufacturers; on all ^{Chandlers,} Camphine or other Oil Manufacturers; on all Ginger Beer, Spruce Beer and Root Beer Brewers, and the Agents and Agencies of any and all such; on all Brick Manufactures, ^{Brick makers,} Dealers in Wood and Proprietors or Keepers of Wood Yards; on all Proprietors and Keepers of Tanneries and Slaughter Houses in the city, on all Inspectors of Pot or Pearl Ashes, ^{Inspectors of ashes, &c.,} of Beef, Pork, Flour, Butter, or any other produce, articles or effects whatsoever in the said city, and generally on all ^{All trades and business generally,} trades, manufactoryes, occupations, business, arts, professions or means of profit, livelihood or gain, whether herein before enumerated or not, which now are or may hereafter be carried on, exercised or in operation in the city; on all persons by whom the same are or may be carried on, exercised or put in operation therein, either on their own account or as Agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as Ferrymen to ^{Ferrymen.} the said city or plying for hire for the conveyance of persons by water to the said city from any place not more than nine miles distant from the same.

To increase
commutation
money, or to
exempt parties
therefrom.

For increasing the amount of the commutation money payable by each person liable to statute labour on the highways within the said city, to any sum not exceeding five shillings, currency, for each person so liable; and for obliging each and every person, so liable, to pay the amount of such commutation money so fixed, without being allowed to offer his personal labour on the said highways instead thereof, and for exempting from the payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same.

To change sites
of market
places when
necessary.

For changing the site of any market or market-place within the said city, 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 said city, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever, any law, statute or usage to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council respecting any such market or market place, any remedy such party may, by law, have against the Corporation of the said city, for any damage by such party sustained by reason of such act.

To determine
powers of
Clerks of Mar-
kets and other
officers employ-
ed about the
markets.

For determining and regulating the powers and duties of the Clerks of the Markets in the said city, and of all other officers and persons employed, or to be employed by the said Council in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said markets, or upon the said market-places; and for imposing, regulating, fixing and determining the duties, taxes or rates to be paid by any person or persons selling or retailing, in or at any of the said markets, any provisions, vegetables, butchers' meat of any kind, grain, fowls, hay, straw, fire-wood or any other thing or things whatever; and for regulating the conduct of all persons buying or selling in or at any of the said markets; and to provide for the weighing or measuring, as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose by the said

To let stalls, and
regulate the sale
of articles on
the markets.

Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale in or at any such market.

For regulating all vehicles of every kind whatever in which any articles shall be exposed for sale in any public market, or in any street or public place, within the said city, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid.

For establishing a Board or Boards of Health for and within the said city, and for appointing the Members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof from contagious and infectious disease, or for diminishing the danger of, or arising from the same.

To confer upon and to convey to the said Board of Health all the privileges, power and authority in relation to the duties of the said Board, and all Orders to be made, and all things to be done by the said Board, as are possessed by the said Council, and the said Council is itself invested with in reference to health.

To prohibit interments within the limits of the said city, or any particular section thereof, or within any particular burying-ground, vault or other place therein; to compel the taking up or the removal and re-interment out of, and beyond the said city, of any Body interred within the said limits contrary to such prohibition: Provided that nothing herein contained shall prevent the interment in Roman Catholic Churches in the said city, of Priests or Nuns of the said Roman Catholic faith.

For regulating the weight or measurement of all fire-wood, coals and salt, and of all grain brought into the said city, for sale and consumption therein; for regulating and determining in what manner, either by measurement or weight, or both measurement or weight, any or all of the said articles shall hereafter be bought and sold in the said city, and for appointing Measurers and Weighers of all such articles, and establishing and regulating the fees to be paid to such officers, and the duties they shall perform.

To regulate vehicles in market, and impose duties thereon.

To establish a Board of Health.

To confer certain privileges on the Board of Health.

To prohibit interments in the city.

To regulate weight of fire-wood, coals, salt, and grain.

To assess real property for common sewers.

For assessing the Proprietors of Real Property, for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public street or highway within the said city, and immediately in front of such real property respectively, and for regulating the mode in which such assessments shall be collected and paid.

To compel the enclosure of all real property.

To compel the Proprietor or Proprietors of all Real Property within the city limits, their Agents, and all others having or assuming charge of such property, to enclose the same; and to regulate the height, quantity and material of every such enclosure.

To regulate the opening of streets.

To prohibit the opening, making or extending of any street, lane or roadway, either public or private, within the city, unless the same be opened, made or extended at a width of at least sixty feet French measure: Provided however, that lanes made in rear of lots solely for the purpose of communicating with the out-buildings and yards on such lots, be specially exempted from the operation of such By-law.

To compel occupants of unfenced lots of land to fence the same.

To compel the Occupants of unfenced lots of land in the said city, or of land therein, having stagnant or filthy water in or upon it, or of land in the said city that is in other way offensive or dangerous to the public health, and the Agents of the Proprietors of all such lands, and all persons having or assuming the charge of any such land, in the absence from the said City of the Proprietors of the said land, or in case the said Proprietors may not be able to be found, to properly fence in the said land within such delay, and with fences of such height, and of such material as the said Council may direct, and to drain off all stagnant water from the said land, or any water thereon that may be otherwise offensive or dangerous, to remove therefrom all filthy and offensive matters or things, and to fill up and properly level the same; And if there be no persons in occupation of the said land, and no Agent or other person representing the Proprietors of any such land in the city, or their Agents, or should the Proprietors of any such land in the said city, their Agents or the Occupants of the said land, or other

persons in charge of the said land, or assuming charge thereof, refuse or neglect to fence in as aforesaid, to drain, cleanse, fill up and level the same, when so directed by the said Council, or the proper officer thereof; or should the said Proprietors, Agents, Occupants, or other persons, be unable for want of means, or any other cause whatsoever, so to fence in, drain, cleanse, fill up and level the said land when so directed as aforesaid, then, and in all such cases, it may be competent to the said Council, and the said Council is hereby authorised and empowered to have the same done at the cost and expense of the said Proprietors of the said land, and to acquire thereby a special mortgage on the said land for the amount or sum of money so expended on the same.

For directing and requiring the removal, at any time, of any door-steps, porches, railings, or other projections into, or obstructions in, any public street or highway within the said city, by and at the expense of the Proprietors of the Real Property, in, or on which such projection or obstruction shall be found.

For defraying, out of the funds of the said city, the expense of lighting the said city, or any part thereof, with gas, or with oil, or in any other manner, and of performing all such work of any kind, as may be necessary for such purposes; and for obliging the Proprietors of Real Property, in any part of the city so lighted or to be lighted, to allow such work to be performed on or in such property, respectively; and such pipes, lamps, lamp-posts, and other contrivances or things as may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any building thereon; the expense of all such work being, in every case, defrayed by the said Council, and out of the funds of the said city.

For altering the level of the foot-paths or side-walks in any street or highway within the said city, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said city: Provided always that the said Council shall and may make compensation out of the funds of the said city, to any person whose

property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof.

To pull down old walls, &c.

To pull down, demolish and remove, when necessary, all old dilapidated or ruinous walls, chimneys and buildings that may endanger the public safety ; and to determine the time and manner in which the same shall be pulled down, demolished, or removed, and by what party or parties the expense thereof shall be borne.

To regulate weight and quality of bread.

For regulating, fixing and determining the weight and quality of all bread that may be sold or offered for sale within the said City of Montreal.

To regulate servants.

For restraining, ruling and governing apprentices, domestics, hired servants and journeymen, in the said City of Montreal, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Montreal.

To prevent gaming.

To prevent Gaming or the keeping of any Gaming-house, or place for Gambling in the said city.

To regulate ferrymen and landing-places.

For the government of persons plying as Ferrymen, to the said City of Montreal, from any place within nine miles of the said city, and to establish a tariff or tariffs of fees to be taken by such Ferrymen ; and also to fix and determine what places in the said city may be used as Landing-places, and respecting all other matters and things connected with such Ferries and Landing-places.

To compel the attendance of members.

To compel the attendance of the Members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance, by the said Members of the said Council, of their respective duties as Members of the said Council.

To regulate the constabulary force.

For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the Constabulary Force to be established under this Act, and for regulating the residence, classification, rank, service, inspection and distribution of the said force ; and for the Government generally of the said Constabulary Force, so as to prevent any neglect of duty or abuse of power on the part of the Members composing the force last mentioned.

To establish as many Pounds and in as many different places in the said City of Montreal, as may be deemed expedient for the impounding of horses, horned cattle, sheep, goats and hogs which may be found astray, and impounded according to law.

To compel and require that all kinds of live stock and all kinds of provision and provender whatsoever, usually bought and sold in public markets that may hereafter be brought to the said city for sale, shall be taken to the public markets of the said city and there exposed, and that neither the said live stock nor the said provisions or provender, shall be offered or exposed for sale or be sold or purchased elsewhere in the said city, than on the said public markets thereof without the special license and permission of the said Council.

To impose a duty on all the private marts in the said city, or that may hereafter be established therein, for the sale of cattle, provisions or provender, or of any thing else whatsoever that is usually sold in public markets, with power to regulate and fix the said duty as regards each particular mart, as the said Council may see fit.

To assess the citizens for watering and sweeping any particular street.

For assessing the Citizens residing in any particular street, lane, square, or section of the city, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square or section of the city, provided that not less than two thirds of the said Citizens residing as aforesaid, in such said street, lane, square or section shall have first prayed or demanded to have the same swept or watered; and provided also, that the said assessment shall in no case exceed the amount of Three Pence in the Pound. To impose a special assessment over and above all other rates or assessments which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged or deteriorated in value, by any mob, tumultuous assemblage, or riotous person whomsoever in the said city: provided, that in the event of the demolition, destruction, injury or damage to any property in the said city by any mob or tumultuous assembly, if the said Council

To assess for property de-
stroyed by mob
or during riots.

omit to provide, by such special assessment, to defray the expense thereof within six months after the destruction or injury of the said property, then the said Council shall be liable to pay the same, and the Proprietors of the property destroyed or injured may recover the amount or value thereof by action against the said Council.

To prohibit the erection of wooden buildings within the city.

To prohibit and prevent the construction of any wooden building, of any kind or description whatever, or the covering of any building of any kind whatsoever with shingles or wooden materials of any kind whatsoever, within the city limits : And to require and enforce the erection of separation-walls of stone or of brick, and of such height and thickness as the said Council may deem necessary, between all lots of land belonging to different Proprietors, and situated within that part of the said city, which is bounded by the River St. Lawrence, by Craig, Lacroix and McGill streets ; any law, usage or custom to the contrary notwithstanding.

Walls of brick or stone.

To prohibit steam engines.

To prohibit the erection of any steam-engine within the limits of the said city, unless the building containing the same, shall be distinct from any other building, and from the line of any street, square, lane, or other thoroughfare, at least one hundred feet.

Cruelty to animals.

To punish, either by fine or imprisonment, or by both, any person or persons who shall ill-use, or cruelly treat any animal, within the limits of the said city.

Penalty.

And by any such By-law for any of the purposes aforesaid, the said Council may impose such fines not exceeding Five Pounds, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same.

Council may make By-laws to prevent accidents by fire.

59. And for the better protection of the lives and property of the inhabitants of the said city, and for preventing accidents by fire therein, Be it enacted, That from and after the passing of this Act, the said Council of the said city, at a meeting of the said Council, composed of not less than two thirds of the Members of the said Council, shall, moreover, have full power and authority to make By-laws, which shall be binding on all persons, for the following purposes, that is to say :

For regulating the construction, dimensions, height and elevation of chimneys, and specially where any houses or premises are built or elevated above other houses and premises to which they may adjoin or be near, by whom, at whose cost, in what manner, to what height, and within what delay the chimneys of the less elevated houses or premises shall be raised or built up so as not to endanger the adjoining or neighbouring premises, and to prevent all hazard of accident or loss by fire.

For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the city.

For appointing all such Officers as they may deem necessary for carrying such rules and regulations as aforesaid, into effect, and for prescribing the duties of such Officers, and providing for their adequate remuneration out of the funds of the said city.

For defraying, out of the said funds, any expenses that they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires.

For authorizing such Officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours, to be established in such By-laws, as well the interior as the exterior of all houses, buildings, and real property, of any description, within the said city, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed; and for obliging all Proprietors, Possessors or Occupants of such houses, buildings, or real property, to admit such officers and persons into and upon the same, at the times and for the purposes aforesaid.

For vesting in such Members of the said Council, and in such Officers as shall be designated in such By-laws, the power of causing to be demolished or taken down, all buildings or fences which such Members or Officers shall deem necessary to be demolished or taken down, in order to arrest the progress of any fire.

To prevent depredations at fires.

For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any Member or Officer of the Council in the execution of any duty assigned to him, or in the exercise of any power vested in him by any By-law made under the authority of this section.

To defray the expenses incurred by wounds or diseases contracted at fires, or to grant pensions.

For defraying out of the funds of the city, any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals, or otherwise, upon any person who shall have performed any meritorious action at any fire.

To cause an enquiry to be made as to the cause and origin of fires.

For establishing, or authorizing and requiring to be established, after any and every fire in the said city, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, or the Recorder of the said city, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine and imprisonment, or both; to examine them on oath; and to commit for trial any party or parties against whom well-grounded cause of suspicion may be found of their having wilfully or maliciously originated the said fire or fires.

To make a further assessment of three pence in the pound.

For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said city, or upon the Owners or Occupiers thereof, in respect of such property, provided that such assessment shall not, in any one year, exceed Three pence in the Pound on the assessed value of the property lying and being within the said City, and for regulating the time and manner in which such rate or assessment shall be collected; and by any By-law, for any of the purposes for which the said Council are authorized by this section of this Act to make any By-law, the said Council may impose such fines not exceeding Five Pounds, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same.

Fines and imprisonment limited.

60. And be it enacted, That any person enrolled and serving in any fire, hose, hook or ladder, or property protecting company, established or to be established by the said Council, or in any such company under the control and management of the said Council of the said city, shall, during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labour, and from serving as a Juror, Constable, or Militiaman, excepting during any war or invasion of the Province.

61. And be it enacted, That it shall be lawful for the said Council of the said city, at a Meeting or Meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law, a penalty not exceeding One Hundred Pounds, currency of the said Province, on any assessor or assessors of, in or for the said city or any ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil, the duty or duties, which he or they, the said assessor or assessors, are or may be bound and required by law to attend to, perform and fulfil; and a like penalty not exceeding One Hundred Pounds on every such assessor performing the said duty in a negligent, partial or imperfect manner.

62. And whereas the different systems of chimney-sweeping that have heretofore been in use in the said city, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney sweeping: Be it therefore enacted, That it shall be lawful for the said Council to grant to persons intending to pursue the occupation of chimney sweeping in the said city, or in any such part thereof, licenses to sweep chimneys for gain or hire in the said city, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said Council may deem it expedient to impose; and from and after the passing of this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said city, or for gain or hire cause any chimney in the said city to be swept, without having received a license from the said Council to sweep chimneys in the said city, or in some part of the said

Allowances to
such sweeps to
be established
by a tariff.

City to be designated in the said license ; nor from and after the passing of this Act, shall any person, having received any such license, for gain or hire, sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of a chimney to be swept, after the time for which such license shall be granted, or at any place within the said city to which such license shall not extend, or beyond the limits mentioned in such license ; nor shall any person, having obtained such license, charge or receive, either directly or indirectly, any greater sum or allowance of any kind, for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such license, than he may be allowed to charge under the Tariff to be established in that behalf, as hereinafter provided for, under a penalty of Twenty-five Shillings currency, for each and every offence against any one or more of the foregoing provisions in this section of this Act contained.

By-laws to be
made respecting
sweeps.

63. And be it enacted, That it shall be lawful for this said Council, at a meeting or meetings of the said Council, composed of not less than two-thirds of the said Council, to make By-laws, which shall be binding on all persons, for causing all chimneys, within the said city, to be swept by a Licensed Sweep in such manner, at such times, and so often as the said Council shall appoint, and to establish a Tariff of the rates or prices to be paid to such Licensed Sweeps for the sweeping of chimneys ; and in every case in which a chimney shall take fire in the said city, the occupant of the house in which such chimney shall take fire, shall pay a penalty of not less than twenty-five shillings currency, and not more than fifty shillings, currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have caused, and proved that he caused the chimney that may have so taken fire, to be swept, by a Licensed Sweep, and unless it appear that according to the By-laws of the said City of Montreal it was not incumbent on such occupant to cause such chimney to be swept, between the time of the sweeping thereof by

such Licensed Sweep, and the time at which such chimney may have taken fire ; Provided always, that any occupant of any part of a house in the said city, who may use, or cause to be used, the whole or any part of a chimney in, or attached, or forming a part of any such house in the said city, shall be considered, for all and every the purposes of this section of this Act, as the occupant of such house ; and provided further, that if any chimney that may so take fire, be in the use, or be used by the occupants of different buildings, or by the occupants of different parts of the same building, each such occupant shall be subject to the same liabilities, in all respects, as if such chimney had been in his sole use ; and provided also that any chimney which may be used in any way, for the purpose of heating any building, or of conducting the smoke from any building or for any such purpose, whether such chimney be inside or outside of such building, or partly inside and partly outside of such building, shall be considered as a chimney in such building, for all and every the intents and purposes of this Act.

64. Provided always, and be it enacted, That a copy of every By-law to be made by virtue of this Act, shall be transmitted with all convenient speed, after the making thereof, to the Governor of this Province for the time being ; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-law ; and such disallowance shall without delay be signified to the Mayor of the said city, and thenceforward such By-law shall be void and of no effect : Provided also, that all By-laws repugnant to any law of the land, or to any Act of the Legislature of this Province, shall be null and void.

65. Provided always, and be it enacted, That all and every All By-laws in force, to continue in force.
the Rules, Orders and Regulations and Acts of Authority, legally made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Montreal, or by the Justices of the Peace for the District of Montreal, before the passing of the last mentioned Ordinance to incorporate the said City and Town of Montreal, which may be in force

*Chimney taking
fire, a penalty to
be paid, and by
whom.*

*Construction of
the liability of
occupants, and
as to the nature
of such chim-
neys.*

*All By-laws to
be submitted to
the Governor,
and may be dis-
allowed.*

at the time of the passing of this Act, shall continue, be, and remain in full force and virtue, until the same shall be rescinded, repealed or altered by the said Council, under the authority of this Act, or by other competent legal authority.

[Sections 66, 67, 68, 69, 70, 71, relating to expropriations, repealed by 27, 28 Vic., cap. 60.]

Corporations may invest price or compensation for property.

72. And be it enacted, That all Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Montreal, under the authority of this Act, may invest the price of compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of Mortmain; any law to the contrary notwithstanding.

Council may purchase property for public cemetery.

73. And be it enacted, That the said Council shall have full power and authority to purchase property, to wit: real estate, in the said City of Montreal, and also without and beyond the limits thereof, if deemed expedient so to do, for any purpose whatsoever, having for object to promote or preserve the public health, and especially for the purpose of establishing a public cemetery or cemeteries in or near the said city, for the use and benefit of its inhabitants in the environs of the said city.

[Section 74, relative to local improvements, repealed by 27, 28 Vic., cap. 60.]

Non-payment of assessment to liable to ten per cent. increase per annum.

75. And be it enacted, That in all cases of the non-payment of the assessment on any real property in the said city liable to assessment, an increase of ten per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon, and be made to, all arrears of assessment due on such property, so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years' non-payment of the said arrears of assessment, and increase of ten per cent. thereon, be liable to be sold therefor; and the Sheriff of the District of Montreal is hereby authorized and empowered to sell and

Property to be sold after five years' non-payment of assessment.

How property is to be sold for arrears of assessment.

dispose of any and all such property, after six months' notice assessment, and per centage thereon.

to that effect, given by him, the said Sheriff, in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per centage due thereon, for the said period of five years, whether the said judgment be obtained in the said Superior Court or in the Recorder's Court, upon a Writ or Order to that effect being duly made and directed to the said Sheriff from the said Superior Court or the said Recorder's Court; and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the said Superior Court, sitting in the District of Montreal, to be by the said Court adjudged upon, distributed and ordered to be paid according to law, and the rights and privileges of the parties claiming the same: Provided however, that any balance or amount of the said moneys to be so as aforesaid levied by the said Sheriff, remaining in the hands of the said Sheriff, after the judgment and distribution pronounced thereon by the said Court, shall, within fifteen days thereafter, be paid over by the said Sheriff to the said Mayor, Aldermen, and Citizens of the City of Montreal, to remain in their hands, at the legal interest of six per cent. till demanded and claimed by the party or parties having a right to demand and claim the same.

76. And be it enacted, That any rate or assessment Tenant liable to pay assessment, with right to deduct amount paid from rent. with which any real estate within the said city may be legally rated or assessed, may be exacted and recovered, either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant not bound to make such payment, by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the enjoyment or occupation of the real estate so rated and assessed; Provided always, that a judgment obtained or execution issued against either party, Proprietor or Tenant, shall not debar or hinder

proceedings against the other party for payment of the said rate or assessment, if the same cannot be had or obtained from the party first proceeded against.

Privilege granted to secure five years' assessments.

77. And be it enacted, That all debts that, from and after the passing of this Act, shall become due to the said Corporation, for any rate or assessment, assessed or imposed on any real or personal property, or both, within the said city, or upon the Owners or Occupiers thereof, in respect of such property, or for duty on business, or for any other rate, tax, or impost levied under and by virtue of any By-law of the said Council, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged, by all Courts of Justice, and by all Commissioners, or other persons having jurisdiction in Bankruptcy in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the rates of assessments due for five years, that is to say, for the current year when such claim may be made, and for the five years next preceding that year: And provided also, that the said privilege shall not require registration to preserve it, any Act, Ordinance, or Law to the contrary notwithstanding.

Witness summoned on enquiry at facts may be examined on oath.

78. And whereas many cases arise of enquiries into facts before the said Council, as well as before Committees thereof when the interests of justice would be promoted, if the witnesses brought forward could be examined on oath, and power were given to the said Council and Committee to compel the attendance of witnesses before them: Be it therefore enacted, That upon any enquiry or investigation being entered into before the said Council or any Committee thereof, other than those already provided for by law, it shall be lawful for the Mayor of the said city, or other person representing him, to issue his Summons requiring any person to appear before the said Council, or any Committee thereof as aforesaid, for the purpose of giving evidence touching the said enquiry or investigation; and if any person

so summoned shall neglect or refuse to appear at the time and place appointed by such Summons, and no reasonable excuse for his absence shall be proved before the said Council or Committee, or if any person appearing in obedience to such Summons, shall refuse to be examined on oath touching the said enquiry or investigation, it shall be lawful for the said Mayor to enforce the attendance of all such persons, and to compel such persons to answer all lawful questions by the like means as are used for such purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada: and every person so neglecting or refusing to appear, or refusing to be examined on oath as aforesaid, shall, moreover, on conviction thereof before the Recorder's Court of the said City of Montreal, forfeit and pay such sum of money not exceeding Five Pounds, and be liable to such imprisonment not exceeding thirty days, as to the said Recorder's Court shall seem meet; And any person who shall wilfully and corruptly give false evidence upon any such inquiry or investigation, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence.

79. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned: Be it therefore enacted, That there shall be a Court of Record in the said city, which shall be called the Recorder's Court of the City of Montreal, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen or Councillors of the said city, or in the absence of the Recorder, from sickness or other causes, or when there shall be no Recorder, the Mayor, or one of the Aldermen or Councillors of the said city, shall preside; and such Court shall in all cases possess the like powers, and have the like jurisdiction, as to crimes, offences, and misdemeanors, committed in the said city, as the Court of Weekly Sessions of the Peace, for the said City of Montreal, now has or hereafter may have by law, as to crimes, offences and misdemeanors, committed within its local jurisdiction, as well as in all those matters of civil concern, not

belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in the said Court of Weekly Sessions of the Peace ; and it shall be lawful for the said Recorder's Court to hear and determine all causes and suits that may be brought by the said Corporation of the said city, for the recovery of any sum or sums of money that may be due and payable to the said Corporation of the said city, as the amount of any rate, assessment, tax, duty or impost lawfully imposed by any By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said city, and all causes and suits that may be brought by the said Corporation, for the recovery of any sum or sums of money that may be due and payable to the said Corporation, for the rent or occupation of any Butcher's or Huckster's Stall, or other stall or stand whatsoever, in or upon any of the public markets of the said city, or as and for the amount of any rate, tax, duty or impost now levied or collected, or that may hereafter be lawfully imposed, levied or collected on any of the said public markets ; also to hear and determine all causes and suits that may be brought by the said Corporation of the said City of Montreal, for the recovery of any water rent or revenue, or any sum or sums of money whatsoever that may be due and payable to the said Corporation for water rent, or for any supply of water given or furnished from the Montreal Water Works, now the property of the said Corporation, to any house or premises, or to or for the use of any person or persons in the said city, or for the introduction of any pipe or pipes from the said works into any house or premises in the said city, or the enlarging, extending, repairing, altering, removing or changing of any such pipe or pipes, in any house or premises, or at the instance or request, or for the use or benefit of any person or persons in the said city ; and also to hear and determine all offences against any such By-law, Rule, Regulation or Order, or against any law concerning any market or markets in the said city, or against any law concerning any assessment, tax or duty, to be levied in the said city, or against any of the provisions of an Ordinance of

the Legislature of the Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*; and also to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred, and be due and payable under any such By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said city as aforesaid, or under this Act, or under any Act or Acts concerning any Market or Markets in the said city, or under any Act or Acts concerning assessment to be raised in the said city, or under any of the provisions of the said Ordinance, passed in the second year of Her Majesty's Reign, and intituled, as above mentioned, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*: and for the purposes aforesaid, the said Recorder's Court shall be held from time to time, as occasion may require, in the City Hall of the said city, or in such other place in the said city as the said Council of the said city may ordain: and the City Clerk of the City of Montreal shall be the Clerk of the said Recorder's Court; and the Precepts, Writs and Processes, to be issued out of the said Recorder's Court, shall not require to be under any Seal, but shall run and be in the name and style of Her Majesty, Her Heirs or Successors, and shall be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the said Mayor or Alderman or Councillor presiding, and be countersigned by the said Clerk; and it shall be lawful for the said Court to summon, by a Writ to be signed and countersigned as aforesaid, the party accused of any offence as aforesaid, or from whom any sum of money shall be claimed for any one or more of the causes in this section before set forth, and the witnesses to be heard as well in his favour as against such party, and upon the appearance or default of the party accused or complained against, in not appearing, upon proof of service of such Summons by the return in writing of the person who made the service, to proceed

with the examination of the witness or witnesses on oath, and to give judgment accordingly, awarding costs for the successful party : and when the party accused or complained against shall be convicted of such offence, or if judgment be given in favour of the Prosecutors for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to issue a Warrant or Warrants, to be signed and countersigned as aforesaid, requiring any Constable or Bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made ; which Warrant shall authorize any Constable or Bailiff to execute such Warrant in any part of the District of Montreal, by *saisie* and sale of any goods and chattels which shall and may be found in the said District, appertaining to the person or persons against whom such Warrant shall thus be issued ; and when the goods of a person so convicted, or against whom a judgment shall be given, shall not prove sufficient to satisfy such Warrant, upon a return to that effect, the said Court, by a further Warrant to be signed and countersigned as aforesaid, to be addressed to any Constable or Bailiff, may and shall cause to be apprehended and committed, the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given, with the costs in either case, shall have been paid and satisfied : Provided always, that no person so committed shall be detained in gaol more than one calendar month ; and provided also, that such imprisonment shall not in any case have the effect of satisfying the said judgment, or of debarring the said prosecutors from enforcing payment of the said judgment, by seizure of any goods or chattels, or lands and tenements, liable to seizure, that may afterwards be found belonging to the said parties, or by any other legal means or process whatsoever, other than imprisonment of the

said parties ; and where imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Recorder's Court, the said last mentioned Court, by a Warrant, to be signed and countersigned as aforesaid, and to be addressed to any Constable or Bailiff, shall cause such person so ordered to be imprisoned, to be forthwith apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District in which such person may be found, there to remain for the time he may be so condemned to be imprisoned.

80. And be it enacted, That it shall be lawful for the said Recorder's Court to cause order to be preserved in the said Recorder's Court, and to punish by fine or imprisonment any person guilty of any contempt of the said Court or of any member thereof, if such contempt be committed during the sitting, and in the presence of the said Recorder's Court ; to enforce the attendance of any witnesses in any action, cause or prosecution, that may be pending before the said Recorder's Court, and to compel such witnesses to answer all lawful questions ; to authorise and require the examination of any party on interrogatories on facts and articles *faits et articles*, or on the *juramentum litis decisorum*, or on the *juramentum judiciale*, in the same and like cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of Civil Jurisdiction in Lower Canada ; and to cause the execution of, and obedience to any Order, Precept, Writ, Process or Warrant, that may issue from the said Recorder's Court, for any one or more of the purposes aforesaid, by the like means as are used for any such purpose or purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada. And it shall be lawful for the Council of the said City of Montreal, to appoint so many Bailiffs of the said Court, as the said Council may think fit ; and to make and settle a tariff of the fees which should be exacted by the Clerk of the said Recorder's Court and by the Bailiffs and other such Officers, to be employed

Powers of the
Recorder's
Court further
defined.

in and about the said Recorder's Court: Provided always, that no fee shall be exacted under such tariff until such tariff be approved of by the Governor in Council. And it shall be the duty of the Clerk of the said Recorder's Court, to prepare and make out all the Precepts, Writs, and Processes severally that may issue from the said Court, and in a Register, to be kept for that purpose, to enter in a succinct manner all the proceedings had in the said Court, and to record at full length all the judgments rendered, and convictions pronounced by the said Court, but not to take in writing the depositions of witnesses or of parties examined in the said Court; and any person who shall, either as a party or as a witness, wilfully and corruptly give false evidence, in any cause, suit, action, prosecution, or other proceeding in the said Recorder's Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties of wilful and corrupt perjury; and any Member of the said Council, excepting the Mayor, Aldermen, or Councillors of the said Council then sitting in the said Court, and any Member, Officer, or Servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Recorder's Court, if he have no direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage, or custom to the contrary notwithstanding. And any toll, assessment, tax, duty or impost, fine or penalty, that may be sued for in the said Recorder's Court, shall be recoverable there, upon the oath of one credible witness; and any person prosecuted in the said Court, for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness.

*As to the appointment of a
Recorder for
that city of Mon-
treal, &c.*

81. And be it enacted, That the Recorder for the said City of Montreal shall be a Barrister of that part of the Province of Canada heretofore Lower Canada, of not less than five years' standing, and shall be appointed by the Crown during pleasure, and such Recorder shall be ex-officio a Justice of the Peace, in and for the said City and District of Montreal, and shall receive a salary of not less than Three

Hundred Pounds per annum, payable monthly out of the Funds of the said city : Provided always nevertheless, that the said ~~Proviso.~~ Recorder shall not in the first instance be appointed until after the Corporation of the said city shall have communicated to the Governor General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer is required for the better conduct of the affairs of the said city, and administration of Justice therein.

82. And be it enacted, That it shall be lawful for the ~~Recorder's Court~~ <sup>Further powers
of the Recorder's Court.</sup> to be held and to sit daily, and as many times as may be necessary each day, without previous notice or time fixed, to summarily hear and determine upon the case of any person offending against the provisions of the said Ordinance passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, or the provisions of any Act or Acts concerning assessments to be raised in the said city, or concerning markets, or against any By-law, Rule, Regulation or Order now in force, or that may be hereafter in force in the said city ; and upon the case of any vagrant, loose, idle or disorderly person, and other offenders arrested by or in charge of the Police of the said city, the cases of persons arrested on view, or immediately after the commission of any offence, or by warrant issued out of the said Court, or by the said Recorder, or by any Justice of the Peace for the said District of Montreal ; and it shall and may be lawful for the Police or Constabulary Force of the City of Montreal, or for any other Peace Officer or Constable, to bring before the said Recorder's Court, or before the said Recorder, or, in case of his absence as aforesaid, before the Mayor, or such of the Aldermen or Councillors of the said city as may be appointed to act in his stead, in the City Hall of the said city, any person offending as aforesaid against the provisions of the said Ordinance, against any Act or Acts concerning assessments or markets, or against any By-law, Rule, Regulation or order now in force, or that may hereafter be so, in the said city, and any vagrant, loose, idle or disorderly per-

son, and every person arrested as such, to be then and there dealt with according to law, as the said Recorder's Court, the said Recorder individually, or the Mayor, Alderman or Councillor aforesaid, may adjudge and determine.

How certain fines, &c., are to be recovered and applied.

83. And be it enacted, That all fines and penalties imposed by any By-law, Rule, Order or Regulation, which may be in force at the time of the passing of this Act, whether made by the Justices of the Peace for the said District, before the passing of the said Ordinance to incorporate the City and Town of Montreal, or by the said Council, since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by this Act or any Acts concerning any market or markets in the said city, or by any Act concerning any assessment, tax or duty to be raised in the said city, or by the said Ordinance, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, which shall or may be prosecuted for, or recovered in the said Recorder's Court; and generally, all fines and penalties, sued for, recovered, imposed or levied in the said Court, shall be recovered in the name of "the Mayor, Aldermen and Citizens of the City of Montreal," and for the use of that Corporation, and shall belong to and form part of the General Funds of the said city, and in no other name or for no other use. And it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party willing to pay the same without prosecution, and all fines or penalties that may be so paid without prosecution shall form part of the General Funds of the said city.

Records, registers, &c., of Mayor's Court to be transferred over to the Recorder's Court.

84. And be it enacted, That all and every the Records, Registers, Documents and Proceedings of the Mayor's Court of the said City of Montreal, shall forthwith after this Act shall come fully into effect, be transmitted into, and make part of the Records, Registers, Documents and Proceedings of the said Recorder's Court hereby established, and the said Mayor's Court shall, after the time aforesaid, cease to be held in the said city, and that no Judgment, Order, Rule or Act of the said Mayor's Court legally pronounced, given, heard or

done, before this Act shall come fully into effect, shall be hereby avoided, but shall remain in full force and virtue, as if this Act had not been passed ; nor shall any suit, cause or proceeding commenced or depending in the said Mayor's Court, be abated, discontinued or annulled by reason of the change made in the constitution of the said Court by this Act, but the same shall in their then present condition be respectively transferred to, and subsist and depend in, the said Recorder's Court hereby established, to all intents and purposes, as if they had respectively been commenced, brought or recorded in the said last mentioned Court, which shall have full power and authority to proceed accordingly in and upon all such suits, causes or proceedings, to judgment or execution, and to make such Rules and Orders respecting the same as the said Recorder's Court is hereby empowered to make in suits, causes or proceedings, commenced in, and depending before, the said last mentioned Court.

85. And be it enacted, That it shall be lawful for the Police Force established. said Council to establish and regulate a Police Force for the said city, and for that purpose from time to time as occasion may require, to appoint either from the Police Force, now under the control of the said Council, or from any other persons, a sufficient number of fit men, who shall be sworn before the Mayor or Recorder of the said city, or before some Justice of the Peace for the District of Montreal, to act as Constables for preserving the peace, by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace ; and the men so sworn shall not only within the City of Montreal, but also within the whole of the District of Montreal, have all such powers and privileges (and be liable to all such duties and responsibilities) as any Constable or Peace Officer now has, or hereafter may have, within the place to which his appointment extends, by virtue of the laws now in force, or hereafter to be in force, in Lower Canada ; and it shall also be lawful for the said Council to appoint such Officers to superintend and assist in the management of the said Constabulary Force as to the said Council may seem needful, and to give to such

Officers, so appointed, such names, and to assign to them such duties as to the said Council may seem proper ; and the said Officers and Men so to be appointed, shall obey all such lawful commands as they may receive from the said Council ; and any Officer or Officers, so to be appointed, shall, during his appointment, have not only all the powers and privileges of a Constable appointed under this Act, but also all such powers as may be necessary for the legal fulfilment of any duty or duties lawfully assigned to him by the said Council ; and the said Council, or any Member or Members of the said Council, authorized to that effect by the said Council, may, at any time, suspend or dismiss any Officer or Constable appointed under this Act, whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same, and appoint others in their place ; and the Officers of the said Constabulary Force shall have such power in relation to the government, control, dismissing or suspending of the Constables, so to be appointed, as the said Council may think proper, by a By-law in that behalf, to give to the said Officers respectively.

Authority to apprehend idle and disorderly persons.

86. And be it enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find lying in any field, and highway, yard or other place, or loitering therein and not giving a satisfactory account of themselves, and to deliver any person so apprehended, into the custody of the Officer or Constable appointed under this Act, who shall be in attendance at the nearest Police Station or Watch-house, in order that such person may be secured until he can be brought before the Recorder's Court of the said city, the Recorder of the said city, or in his absence before the Mayor of the said city, or such Alderman or Councillor as may be appointed to act in his place, to be dealt with according to law, or may give Bail to such Constable or Officer for his appearance before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or

Councillor, if such Officer or Constable shall think fit to take Bail in the manner hereinafter mentioned.

87. And be it enacted, That in addition to the powers Further powers given to the Police Force. and authority conferred by the preceding section of this Act, on the said Constabulary Force, it shall and may be lawful for any Officer or Constable of the said Force, by day as well as by night, to arrest on view any person offending against any of the By-laws, Rules and Regulations of the said City of Montreal, or of the Council thereof, the violation of which is punishable with imprisonment; and it may and shall be lawful also for any such Officer or Constable to arrest any such offender against any such By-law, Rule or Regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence, and the parties by whom committed; and all persons so summarily arrested shall be forthwith conveyed to the City Hall for trial, before the said Recorder's Court, if then sitting, or if the said Recorder's Court can be soon thereafter assembled, or if not, that Bail or Recognizance may be taken by the said Recorder, by the said Mayor, or any Alderman or Councillor of the said city appointed to act in his stead, that the said parties shall appear at the next sitting of the said Recorder's Court, to answer the charge or plaint preferred against them, and for which they may have been so arrested as aforesaid; and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal: Provided that nothing herein contained shall prevent the persons so summarily arrested as aforesaid, from being at once examined and tried, when taken to the City Hall as aforesaid before the said Recorder, or in his absence before the said Mayor, or any Alderman or Councillor appointed to act in his stead, if the offence for which the said parties have been so arrested as aforesaid may legally be tried by the said Recorder, or in his absence before the

said Mayor, Alderman or Councillor as aforesaid, being a Justice of the Peace in the said City of Montreal, under the provisions of the said last mentioned Ordinance or any other Ordinance or Act now in force in the said Province.

Bail to be taken in certain cases. 88. And be it enacted, That when any person charged with any petty misdemeanor, shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Officer or Constable appointed under this Act, during his attendance in the night time at any Watch-house, within the said city as aforesaid, it shall be lawful for such Officer or Constable, if he shall think fit, to take Bail by Recognizance, without any fee or reward from such person, conditioned that such person shall appear for examination within two days before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, within the said City of Montreal, at some time and place to be specified in the Recognizance, and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court, as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal; and if the party not appearing shall apply by any person on his behalf, to postpone the hearing of the charge against him, and the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor shall think fit to consent thereto, the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor shall be at liberty to enlarge the Recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Session, or otherwise, the Recognizance for the appearance of the party before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, shall be discharged without fee or reward.

Officer or Con- 89. And be it enacted, That if any Officer or Con-

stable, to be appointed as aforesaid, shall be guilty of any stable punishmentable for neglect of duty, or of any disobedience of any lawful Order, of duty. every such offender, being convicted thereof, before the Recorder's Court to be established under this Act, shall, for every such offence, be liable to be imprisoned for any time not exceeding thirty days, and to be fined in any sum not exceeding Fifty Shillings, or to be dismissed from his office, or to any two, or to all of the said punishments, as the said Recorder's Court shall in their discretion think meet.

90. And be it enacted, That if any person shall assault or resist any Officer or Constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before the Recorder of the said City of Montreal, or in his absence before the Mayor of the said city, or any Alderman or Councillor thereof appointed to act in his place, shall for every such offence forfeit and pay such sum, not exceeding Five Pounds, and be liable to such imprisonment, not exceeding thirty days, as the said Recorder, or in his absence, the said Mayor, Alderman or Councillor may adjudge: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

91. And be it enacted, That every law, and every part of any law, repealed by the said Ordinance, to incorporate the City and Town of Montreal, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed; and all the provisions of any law inconsistent with the provisions of this Act, are hereby repealed.

92. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to revoke, alter, or abridge or in any manner affect the powers and authority now by law vested, or which may hereafter be vested in the Master, Deputy-Master, and Wardens of the Trinity House of Montreal, or in the Commissioners appointed or to be appointed for the execution of any Act now in force or

Certain laws to continue repealed, and certain laws repealed.

Powers of the Trinity House, of the Harbour Commissioners, or the Lachine Canal Commissioners, not to be affected by this Act.

hereafter to be in force, relating to the improvement and enlargement of the Harbour of Montreal, or any of them, or in the Commissioners appointed or to be appointed for making, superintending, repairing and improving the Lachine Canal, nor to the wharves and slips erected or to be erected by the said first mentioned Commissioners, nor to the wharves and grounds under the direction of the said last mentioned Commissioners: Provided always, that the said Corporation of the City of Montreal shall have power, so often as the same be requisite, to open any drain leading from the said city to the River St. Lawrence; to employ the Constabulary Force of the said city in the maintenance of peace and good order on the said Wharves, and to appoint and designate stands or places of rendezvous for Carts and Carriages thereon.

*. How this Act is
to be understood with re-
gard to powers
conferred on
Police Inspector,
&c., by pre-
vious enact-
ments.*

93. Provided always, and be it enacted, That nothing in this Act contained, shall be construed to abridge or interfere with the duties, powers, authorities or jurisdiction of any Inspector or Superintendent of the Police, or of any Member or Members of the Police Force of the said City, appointed or to be appointed by the Governor of this Province, under and in virtue of the provisions of the said Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, but the same shall continue to be executed and exercised as if this Act had not been passed.

*Reservation of
Her Majesty's
rights.*

94. And be it enacted, That nothing in this Act contained, shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

*Certain words
interpreted.*

95. And be it enacted, That the words "Governor of this Province," wherever they occur in this Act, shall be understood as meaning the Governor, or any person authorized to execute the commission of Governor within this Province for the time being; and the word "Councillor" and the word "Councillors," wherever they occur in this Act, shall be

understood as meaning any Member or Members of the said Council of the City of Montreal, unless by the context it shall appear clearly that the words "Councillor" or "Councillors" respectively, are intended to apply exclusively to a Member or Members of the said Council, who is not or are not the Mayor or Alderman or Aldermen of the said city; and the words, "the said Corporation," or "the said Corporation of the City of Montreal," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Aldermen and Citizens of the City of Montreal," unless the context necessarily requires a different meaning to be given to those words; and that the words "Lower Canada," wherever they occur in this Act, are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number, or the masculine gender only, shall be understood to include several matters of the same kind, as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

96. And be it enacted, That this Act shall be held and ^{Public Act.} taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

(16 VICTORIA, CAP. 26.)

An Act to authorize the City of Montreal to
raise a Loan to consolidate their debt.

(Sanctioned 10th November, 1852.)

Preamble.

WHEREAS by the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's
^{14 and 15 V., c.} Reign, and intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, it is among other things in effect enacted, That it shall be lawful for the Council of the said City of Montreal to borrow, on the credit of the said city, such sum or sums of money as the said Council may think proper so to borrow, provided the total amount borrowed and remaining unpaid, exclusive and independent of the amounts due or to become due on account of the purchase or improvement of the Montreal Water Works, shall not exceed at any one time the sum of one hundred and fifty thousand pounds currency, which debt so authorized to be contracted for general purposes, is hereinafter called the *General Debt* of the said city; and whereas by the said Act it is also in effect enacted, That, for the purpose of extending and improving the said Water Works, it shall be lawful for the Council of the said city to borrow a sum not exceeding fifty thousand pounds, currency, exclusive of the said sum of one hundred and fifty thousand pounds, and in addition to the debt contracted for the purchase of the said Water Works, under the authority of the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire and hold the property now known as the Montreal Water Works*, which said debts so authorized to be
¹²⁸
^{7 V., c. 44.}

contracted for the purpose of purchasing or improving the said Water Works, are hereinafter called "*The Water Works Debt*" of the said city; and whereas the said "General Debt" and the said "Water Works Debt" are both secured upon the general funds of the said Corporation, and the said "Water Works Debt" is also secured by special privilege on the said Water Works; And whereas it is expedient to make provision for consolidating the said debts, and placing the financial affairs of the said city on a better footing, by providing means for paying off the said debts either by means of terminable annuities or of a Sinking Fund; and with this view to enable the said Corporation to borrow money for the purpose of paying off such portions of the existing debts as it may be found conducive to the attainment of the object aforesaid, to pay off: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in addition to any portion of the sums which the said Corporation is now authorized to borrow, and which may remain unborrowed at the time of the passing of this Act, it shall also be lawful for the said Corporation to borrow from time to time under the provisions of this Act, such further sums as may be necessary to pay off any part of their debt, (whether forming part of the said General Debt or of the said Water Works Debt, or of the debt to be contracted under this Act, hereinafter called the *Consolidated Debt*), which shall be overdue or which they shall deem it advantageous to the city to pay off; Provided, that the total amount of the debt or debts of the said city shall never exceed the total amount of the General Debt and the Water Works Debt now authorized, except for such short intervals of time as must necessarily occur between the borrowing of

Corporation
empowered to
borrow money
to pay off their
present debt.
&c.

Proviso: Total
amount of debt
limited.

any sum for the purpose of paying off any sum due by the Corporation, and the actual paying off the same, and then only by such sum as shall be actually in the hands of the Treasurer, or at the call and disposal of the Corporation, with the intent and for the sole purpose of its being used for paying off any such sum as aforesaid owing by the Corporation.

*How and where
such money
may be bor-
rowed.*

2. And be it enacted, That any sum which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal and interest thereof may be made payable, either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to Debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

*Terminable an-
nuities may be
granted for
money.*

3. And be it enacted, That it shall also be lawful for the said Corporation to grant Bonds for Terminable Annuities to parties from whom they shall borrow any sum of money under the authority of this Act, instead of issuing to such parties Debentures of the nature mentioned in any preceding Act or Acts ; and any such Annuity may be made payable either in this Province or in any other Country, and either in the Currency of this Province, or in that of the Country in which the same shall be payable, and the amount of any such Annuity, and the term during which it shall be payable may be such as shall be agreed upon by the Corporation of the said city, and the other party interested, any law to the contrary notwithstanding ; and any such Annuity may be

*Form of bonds,
&c.*

made payable to the Bearer of the Bond or of the proper *Coupons*, and either by yearly or half yearly payments, and generally the provisions of former Acts as to such Debentures as aforesaid shall be applicable, so far as the case will admit, to Bonds for Terminable Annuities to be issued under this Act ; Provided always, that in calculating the amount of the Debt of the said City, for the purpose of ascertaining whether the amount limited by this Act, has or has not been exceeded, each such Bond shall be reckoned as representing

Proviso.

an amount of Debt equal to the sum which the Corporation obtained for it ; And provided also, that the term for which ~~Proviso.~~
any such Annuity shall be granted shall not exceed twenty years.

4. And be it enacted, That any Debenture or Bond issued by the said Corporation after the passing of this Act, shall be held to form part of the Consolidated Debt of the said city, whether it be issued to any party actually making a new Loan to the Corporation or to a party taking such Debenture or Bond in exchange for another or others issued before the passing of this Act, and forming part of the said General Debt or of the said Water Works Debt.

5. And be it enacted, That it shall be lawful for the said Corporation to call in all Debentures or Bonds issued before the passing of this Act, the principal sum secured by which may be over due ; and such calling in shall be by advertisement inserted three times at intervals of two weeks in the *Canada Gazette* in both languages ; and three times at intervals of two weeks in some Newspaper published in the said city in the English language, and in some Newspaper there published in the French language, and after the day named in such advertisement, (which shall not be before the time at which the last insertion thereof may be made as aforesaid,) no interest shall be payable by the said Corporation on any Debenture or Bond so lawfully called in and not presented for payment on or before the day named as aforesaid.

6. And be it enacted, That it shall be the duty of the Treasurer of the City of Montreal, before the Quarterly Meeting of the Council of the said city, in the month of September, in the year one thousand eight hundred and fifty-three, and in each year thereafter, to take from and out of the annual revenues and funds of the Corporation of the said City of Montreal, (from whatsoever source arising), and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent. on the then outstanding Consolidated Debt of the city secured otherwise than by Bonds for Terminable Annuities, which said sum of money the said City Treasurer shall keep apart from

Money so bor-
rowed to form
Consolidated
Debt.

outstanding de-
bentures over
due may be
called in.

Duty of Treas-
urer to provide
a sinking fund
for debt not
secured by
annuities.

all other moneys, to be invested and applied under the orders of the City Council, solely and exclusively as a Sinking Fund, towards the extinction of that portion of the said Consolidated Debt secured otherwise than by Bonds for Terminable Annuities : it shall also be the duty of the said Treasurer at the same time to take from and out of the annual revenues and funds of the said city, from whatever source arising, and before the payment of any appropriation whatsoever of the said revenues or funds, such sum of money as will be sufficient to pay all the sums then due or to become due during the then next six months for Terminable Annuities granted under this Act : and it shall be the duty of the Mayor, or person acting as such for the time being, and of the Aldermen and Councillors of the said city, to see that the provisions of this section be strictly carried out in each year, by the person whose duty it is to carry out the same, and within the time prescribed therein, and that the sum set apart as a Sinking Fund be invested without delay in the Public Provincial Securities, or in the Stock of such of the Chartered Banks of this Province as shall afford the most ample security and be the most advantageous to all the parties concerned, and that any sum so set apart for the payment of Terminable Annuities be invested in the most advantageous manner consistent with its being at the command of the Treasurer when required

Treasurer to lay to pay such Annuities : And it shall be the duty of the City certificate of his Treasurer to place before the Council, at its First Meeting having com- in the month of September in each year, a certificate signed pained with this by himself and countersigned by the Mayor of the said city, section before to the effect that he has faithfully fulfilled the obligations the Council. imposed upon him by the present section of this Act, and in default of his so doing the said City Treasurer shall, *ipso facto*, become and be liable to pay to the said Corporation a fine of Five Hundred Pounds currency, which said fine the said Council shall exact from the said Treasurer within the shortest possible delay, and the same shall form part of the Sinking Fund aforesaid, or shall be applied to pay off the said Annuities, if not required for the said Sinking Fund ; and for the purpose of furnishing additional and more ample secu-

rity to the lenders of the said money, it shall be the duty of the Auditors of the said city annually to lay before the said Council a statement under oath showing whether the said Treasurer has or has not fulfilled all the obligations imposed upon him in and by the said section.

7. And be it enacted, That all the Revenues arising from Sinking fund for Water Works Debt. or out of the supplying of water to the said city, or from the property movable or immovable connected with or belonging to the Water Works for supplying the same, shall, after providing for the payment of the current expenses of the Water Works Department, and the interest accruing on the Debentures or Bonds issued by the said Corporation before the passing of this Act, for moneys borrowed under the authority of the Act hereby amended or of any preceding Act, for the purchase or improvement of the said Water Works (and so forming part of the Water Works Debt of the said city), be formed into a fund separate and apart from all other funds of the said Corporation, and shall be applied by the said Corporation towards the extinction of the said Water Works Debt, and after the extinction of the said Debt the said Revenues shall make part of the General Funds of the Corporation, and may be applied accordingly.

8. And be it enacted, That if hereafter at any time it shall happen that the moneys in the hands of the Treasurer of the said city, and applicable to the payment of the interest or of the principal of the said Consolidated Debt of the said city, or any Terminable Annuity forming part of the said Consolidated Debt, shall be insufficient to pay any such interest or principal or Annuity then due, it shall be the duty of the said Treasurer to calculate what Rate in the pound upon the assessed annual value of the property liable to assessment in the said 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 principal, interest and Annuity, and to certify such Rate under his hand to the Clerk of the said city, for the information of the Council, in the following form, or to the like effect:

Duty of Treasurer, if at any time he shall not have money in his hands to meet interest or annuities due.

“ SIR,—I hereby certify, for the information of the Council of the City of Montreal, that a Rate of in the pound, on the assessed yearly value of the 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 be due) and Annuities forming part of the Consolidated Debt of this city.”

And such certificate shall have the like effect as a By-law of the Council of the said city 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 Rate therein mentioned shall be forthwith levied and paid accordingly, and in addition to any other Rates lawfully imposed by any By-law of the City Council, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or as to the time of the year at which Rates may be imposed, levied or collected ; and the proceeds of such Rate shall be applied first to the payment of the principal, interest and Annuities, as the case may be, for the payment whereof the Rate was imposed, and if there be any surplus of the said proceeds, such surplus shall make part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the Corporation.

Duty of Sheriff on receiving a writ of execution against corporation for monies forming part of the Consolidated Debt.

9. And be it enacted, That if hereafter at any time, any Sheriff shall receive a Writ of Execution, commanding him to levy any sum of money due by the said Corporation for the principal or interest of any Debenture or Corporation Bond forming part of the said Consolidated Debt of the said city or for arrears of any Annuity forming part of the said Consolidated Debt, the Plaintiff may require, and the Court may order that such execution be levied by Rate ; and if such order be made, the Sheriff shall cause a copy of such Writ to be served upon the Treasurer of the said city : and if the money therein mentioned, with all the lawful interest and

costs which the Sheriff is commanded to levy, be not paid within one month from the time of such service, the Sheriff shall himself calculate, as nearly as may be, what Rate in the pound upon the assessed annual value of the property liable to assessment in the said 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, and ten per centum thereon in addition, and shall certify such Rate under his hand to the Clerk of the said city for the information of the Council thereof, in the manner and form *mutatis mutandis*, prescribed for the certificate of the Treasurer in the eighth section of this Act, and shall attach thereto his precept commanding the said Corporation and all officers whom it may concern, forthwith to cause the said Rate to be levied, and the proceeds thereof paid over to him; and such certificate shall have the like effect as the certificate of the Treasurer, in the eighth section mentioned, and such precept shall be deemed an order of the Court out of which the Writ issued, and shall be obeyed by the said Corporation, and by all Officers thereof, and others whom it may concern, on pain of their personal responsibility to the said Court; and the Rate mentioned in the said certificate shall be forthwith levied and paid accordingly, and in addition to any Rates lawfully imposed by any By-laws of the City Council, or by any certificate of the City Treasurer, notwithstanding any provision in the Act hereby amended or in any other Act, limiting the amount of Rates to be imposed in any one year, or the time of the year at which Rates are to be levied and collected; and it shall be the duty of the Treasurer and Clerk, and of all Assessors, Collectors and other Officers of the said Corporation, to produce to the Sheriff, on his demand, all assessment books, papers and documents requisite for enabling him to fix the Rate mentioned in this section, and to give him any information or assistance which he may require for the purposes thereof; and all such Officers of the Corporation shall, for all the purposes of this 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 ; and the proceeds of the said Rate shall, by the Treasurer, be paid over to the said Sheriff, and by him applied to the satisfaction of the debt, interest and costs he was commanded to levy, and if there be any surplus after satisfying the same, the said surplus shall be paid back to the Treasurer and form part of the Sinking Fund for the extinction of the said Consolidated Debt, or if there be no part of the said Debt for which a Sinking Fund is required under this Act, then such surplus shall be applied to the general purposes of the said Corporation.

Proviso.

Securities for preventing debt not to be impaired.

10. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to impair or affect any special privilege or hypothecque, granted by the Act hereby amended or by any other Acts, to the holder of any Debenture or Corporation Bond issued before the passing of this Act, forming part either of the said "General Debt," or of the said "Water Works Debt" of the said Corporation, or any remedy which, without this Act, any such holder would have to recover the principal or interest of such Debenture or Corporation Bond, or in any way to relieve the said Corporation from the obligation to make provision by all lawful means for the payment of the same ; and that no further provision which the Legislature of this Province may deem it expedient to make for enforcing the provisions of this Act, or the due payment of the principal and interest of any Debenture or Corporation Bond, whether issued before or after the passing of this Act, or of any annuity secured by any Corporation Bond, shall be deemed an infringement of the privileges of the said Corporation, or of any citizen or member thereof.

(16 VICTORIA, CAP. 27.)

An Act to amend the Law relating to the
Recorder's Court of the City of Montreal.

(Sanctioned 10th November, 1852.)

WHEREAS it is desirable to amend the Act of the Parliament of this Province hereinafter mentioned in so far as relates to the Recorder's Court of the City of Montreal: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, as is inconsistent with the provisions of this Act, be and the same is hereby repealed.

Inconsistent enactments of 14 and 15 V., c. 128, repealed.

2. And be it enacted, That it shall be competent for the Recorder for the said City of Montreal to hold the Recorder's Court of the City of Montreal with or without the assistance or in the presence or absence of any one or more of the Aldermen or Councillors of the said city.

Court may be held with or without an Alderman.

3. And be it enacted, That it shall not be necessary that Process need be signed only by the City Clerk.

of Montreal, or in the event of his absence or non-appointment, by the Mayor, Alderman or Councillor of the said city presiding in the said Court, and countersigned by the City Clerk of the said city, but it shall be sufficient that any such Precept, Writ or Process be signed by the City Clerk of the said city or his Deputy, as hereinafter mentioned.

City Clerk may appoint a Deputy as Clerk of Recorder's Court

4. And be it enacted, That it shall be lawful for the City Clerk of the said City of Montreal, from time to time, by an instrument under his hand and seal to be acknowledged by him before and duly deposited and filed in the office of the said Recorder's Court, and entered and recorded in the Register thereof, to appoint one fit and proper person to be and act as his Deputy in the discharge of all and every his duties as Clerk of the said Recorder's Court, and to remove any person so appointed and appoint another in his stead; and each and every person so appointed shall at all times, while his said appointment shall remain in force and unrevo^ked, be to all intents and purposes a Clerk of the said Recorder's Court.

Recorder's Court may try cases of assault &c., committed within the city.

5. And be it enacted, That it shall be lawful for the said Recorder's Court to hear, try and determine any case of common assault or assault and battery arising within the said city upon complaint of the party aggrieved praying the said Court to proceed therein under this Act, in the same manner and to the same effect, and subject to the same provisions as any Justice of the Peace may by law now summarily hear, try and determine any complaint of any such offence, and also to hear, try and determine any complaint under the above cited Act against any person for assaulting or resisting any officer or constable appointed under the said Act in the execution of his duty, or for aiding or inciting any person so to assault or resist.

CITY CHARTER AND OTHER ACTS.

(16 VICTORIA, CAP. 128.)

An Act to amend the provisions of the several
Acts for the Incorporation of the City of
Montreal.

(Sanctioned 23rd May, 1853.)

WHEREAS the Corporation of the City of Montreal have by their petition prayed that divers alterations should be made in the provisions of the Act incorporating the said city, and it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the delay for the production and deposit by persons qualified to vote for the election of Mayor and Councillors for the said city, of their certificates of qualification to vote, shall be between the hours of Ten in the forenoon and Four in the afternoon of the last six judicial days in the month of February of each year.

2. And be it enacted, That it shall be the duty of the Council of the said city, and they are hereby empowered, at each and every Quarterly Meeting of the said City Council, to elect from among themselves a Member to act as Mayor, in the event of the absence or sickness of the Mayor of the said city, or of any vacancy in the office of Mayor of the said city; and such Member so elected shall, during such

absence or sickness, or vacancy, have and exercise, until the ensuing Quarterly Meeting, all the power, authority and rights, vested by law in the Mayor of the said city.

3. And whereas in and by the seventy-seventh section of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, it is provided that a privilege shall be granted to secure five years' assessment, and doubts exist as to the nature and extent of the said privilege as regards third persons having mortgages or other privileged claims upon the real property affected thereby; Be it declared and enacted, and it is hereby declared and enacted by the authority aforesaid, That the privilege of the said Corporation was not intended to have and shall have no priority or preference over all or any mortgage or privileged claims of third parties upon the real property of any person liable for such debts, save and except of the assessment actually due and owing upon or by such real property, but the proceeds of the said real estate sold and realized by justice shall, after payment of such assessment actually due thereon, be distributed among such mortgage or privileged claimants according to their respective legal rights, and the balance, if any, to the said Corporation on account of or for the said debt, and no assessments for which the said Corporation shall have been collocated by any judgment of distribution of the proceeds of any real property, to the prejudice of any mortgage or privileged claimant thereon, other than for the assessments upon such real property shall be held to be paid by the person or persons owing such assessments, but the mortgage or privileged claimant so prejudiced shall be to all intents and purposes subrogated in the rights of the said Corporation, as to such assessments, and shall have the power to proceed in his or her own name for the recovery of such assessments either by action or opposition to the same extent, and in the same manner that the

said Corporation could have done if such collocation had not taken place.

4. And be it enacted, That when the said Corporation deposit any price or compensation in the hands of the Prothonotary of the Superior Court under and in virtue of the provisions of the sixty-ninth section of the Act last above cited, or any other Act or Law in that behalf, the said Court shall prescribe the mode of calling before it all parties interested, and make such orders in relation to the same as in its discretion shall seem just.

5. And be it enacted, That the Recorder's Court of the said City of Montreal shall have jurisdiction to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred and be due and payable under any of the provisions of the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, or of any Act amending the same.

6. And be it enacted, That all and every the provisions of any law in force in respect of the Incorporation of the said city, inconsistent with the provisions of this Act, shall be and are hereby repealed from and after the passing of this Act.

(23 VICTORIA, CAP. 72.)

An Act to amend the provisions of the several
Acts for the Incorporation of the City of
Montreal.

(Sanctioned 19th May, 1860.)

Preamble.

18 V., c. 162.

WHEREAS it is expedient to repeal the Act passed in
the eighteenth year of Her Majesty's reign, intituled,
*An Act to amend the provisions of the several Acts for the
Incorporation of the City of Montreal*, and also to repeal in
part, and to amend the provisions of other pre-existing Acts
relating to the Incorporation of the City of Montreal, and to
vest certain further powers in the Corporation thereby con-
stituted, and to remove certain doubts which have arisen as
to the true intent and meaning of certain clauses in the said
Acts: Therefore, Her Majesty, by and with the advice and
consent of the Legislative Council and Assembly of Canada,
enacts as follows:

Act 18 V., c. 162.
repealed.

1. The said Act passed in the eighteenth year of Her
Majesty's reign, intituled, *An Act to amend the provisions
of the several Acts for the Incorporation of the City of
Montreal*, shall be and the same is hereby repealed.

Sect. 2 of 14, 15
Victoria, c. 125,
amended.

2. The second section of the Act made and passed in the
Session held in the fourteenth and fifteenth years of Her
Majesty's reign, and intituled, *An Act to amend and con-
solidate the provisions of the ordinance to incorporate the City
and Town of Montreal, and of a certain Ordinance and
certain Acts amending the same, and to vest certain other
powers in the Corporation of the said City of Montreal*, shall
be, and is hereby amended by striking out the words "fifty-
second and fifty-third," in the fifth and sixth lines thereof,
and substituting the words "fifty-fourth and fifty-fifth" in
their places respectively.

3. The eleventh and twenty-fourth sections of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be, and the same are hereby repealed.

4. The Mayor and the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of the votes of the following persons, who may not be disqualified by law from voting, and whose names shall remain duly registered, on the revised voters' lists of the said city, as ordered to be made and revised by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, that is to say :

1. Every male person entered on the then last Assessment Roll, revised, corrected and in force in the said city, as the owner of real property within the Ward for which the election shall be had, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; Provided that when such property is owned by several persons *par indivis*, they may severally vote thereon, if their respective shares in the said property be assessed at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars each ;

2. Every male person, being an inhabitant householder in the city, whose name shall be entered on the said last Assessment Roll, as the tenant or occupant of a dwelling-house in the Ward for which the election shall be held, of the assessed value of three hundred dollars or upwards, or of the assessed yearly value of thirty dollars or upwards ; Provided that every such person shall be possessed of the said dwelling-house on the first day of January next preceding such election, that he shall have been a resident householder in the said city from at least the first day of May next before any such election, and that he shall have resided within the particular Ward for which such election shall be had not less than three months next before the first day of January preceding such election : and part of a dwelling-house in which any such person, being a tenant as aforesaid, shall reside as a householder or occupier, but not as a boarder or lodger,

and having a separate outer door by which a communication with the street may be afforded, shall be considered a dwelling-house within the meaning of this enactment;

Qualification as voters.

3. Every male person, though neither a proprietor or householder, who shall have been resident in the said city, or within the parish of Montreal, from at least the first day of May next preceding any such election, and who, either individually or jointly, as a co-partner with any other person or persons, shall have been entered on the said last Assessment Roll as the tenant or occupant of any warehouse, counting-house, shop, office or place of business, within any of the said Wards of the city, during three months next preceding any such election: Provided that the said warehouse, counting-house, shop, office or place of business, when occupied by the said person individually, be assessed as aforesaid at not less than three hundred dollars value, or at a yearly value of not less than thirty dollars, or when occupied by him as a co-partner, that his proportion or share thereof be not assessed at less than the said last amounts respectively:

Previous

4. Provided, however, that no such Proprietor, Tenant or other person aforesaid shall be entitled to vote at any such election in the said city, unless he shall previously to the first day of January next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty or impost, (drain accounts excepted) lawfully imposed by any By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said city, that may be due and payable by him, in any capacity or way whatsoever, either as an occupant himself, or as the owner of property either vacant or in the possession of other parties, who may neglect to pay the assessment due on it, up to the first of January next before the holding of any such election.

In what Ward they shall vote.

5. Every voter shall vote in the Ward in which he is assessed, unless he be qualified to vote in more than one Ward, then in the Ward in which he shall reside; and each voter qualified to vote in one Ward only shall vote in such Ward, and each voter qualified to vote in more Wards than one and resident without the limits of the city, shall declare

Tenants of warehouses, counting houses, &c.

Previous payment of taxes.

at least one month before the election, in which Ward he wishes to vote, and in default of so doing, the Board of Revisors shall determine in what Ward he shall vote at such election: and no person shall be permitted to give more than No person to vote more than once.

6. And whereas doubts have arisen as to the true intent and meaning of that enactment of the fifteenth section of the Act last cited, whereby power is given to the Board of Revisors to correct any mistake, or supply any accidental omission made by the Assessors in the Voters' Lists: it is therefore declared and enacted, that the power so given shall not extend to the adding to, or erasing from, the said lists, or any of them of any voter's name, unless a request be made in writing to that effect, in the manner and within the delay prescribed by the fourteenth section of the said Act; Provided, however, that nothing herein contained shall prevent the said Board from erasing from any of the said lists the name of any person that may be proved to them to be dead at the time of the revision of the said lists, or of any person whose name may have been erroneously included in any one or more lists other than the Voters' List of the Ward in which, according to the provisions of the preceding section of this Act, he is alone entitled to vote; neither shall it prevent the said Board from correcting any mistake made in the Christian or first name of any voter whose name is inserted on any of the said lists, or in the spelling of the surname of any such voter, or from adding to, or removing from the said lists, any second or intermediate name or names that may have been erroneously omitted from, or added to, the name of any voter thereon, or from correcting any obviously clerical error in the name, residence, or occupation of any voter in the said lists.

7. And whereas it is necessary to make provisions where- Recital.
by a poll or contest may be avoided in certain cases where no division of opinion exists among the electors, in respect of the person intended to be elected Mayor of the said city, or in respect of those intended to be elected Councillors in any or all of the Wards thereof; and it is also necessary to provide

**How, when,
and where the
elections of
Mayor and
Councillors
shall be had and
conducted.**

**Nomination or
candidates.**

**Proclamation
if there be no
contest.**

that the candidates for any of the said offices shall be publicly known, and that none other but those named shall be or may be elected : Be it therefore enacted, that hereafter the twelfth day of February in each year, or if that be a holiday, then the next following not being a holiday, shall be, and the same is hereby fixed as the nomination day for all candidates for the offices of Mayor of the said City and of Councillors for the several Wards thereof ; and such Alderman or City Councillor as shall, at the last previous meeting of the City Council, have been named and appointed for that purpose, shall preside at each of the nominations of candidates for the offices of Mayor and of Councillors respectively, which shall be held in the open air : that for the office of Mayor at the Bonsecours Market, and those for Councillors at such places in the several Wards, to be fixed by the said Council, as that all the electors may have free access thereto : and at ten o'clock in the forenoon of the said day, the Alderman or Councillor appointed to preside at each such nomination shall proceed to the place where the same is to be held as aforesaid, and shall then and there require the electors there present to name the person or persons whom they wish to choose as Mayor, or as Councillor or Councillors, as the case may be, and any two duly qualified electors of the said city may openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Mayor, a demand or requisition that the person by them named be elected Mayor of the said city, for the next ensuing term of the said office of Mayor : and in the event of there being only one such demand or requisition made as aforesaid, or that all the demands or requisitions so made shall be for one and the same person, then the Alderman or Councillor presiding shall proclaim the said person duly elected Mayor of the said city for the next ensuing term of the said office ; and any two qualified electors in any Ward of the said city may, on the day aforesaid, openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Councillors in such Ward, a demand or requisition that the person or persons named by them be elected Councillor or Councillors for the said Ward in which

the said requisitionists are electors as aforesaid ; and if there be only one demand or requisition made for the election of a Councillor or Councillors in any Ward of the said city, or if all the requisitions made in any such Ward be for the election of the same person or persons as Councillor or Councillors for the said Ward, then the said Alderman or Councillor presiding shall proclaim the said party or parties named in the said requisition or requisitions, (as the case may be,) duly elected Councillor or Councillors for the said Ward for the next ensuing term of the said office or offices ; and each and every such election made as aforesaid without dissent or division therein, shall be forthwith published in at least one English and one French newspaper in the said city, and the said presiding Alderman and Councillors respectively shall in due course report the said elections to the Council of the said city ; in the event of demands or requisitions being made by two or more duly qualified electors as aforesaid for the election of two or more persons as Mayor of the said city, or as Councillor or Councillors in any Ward thereof, a poll shall be granted for each and every such election by the said presiding Alderman and Councillors respectively, and the said election shall be proceeded with in the manner heretofore and now done, in all cases of contested elections for the office of Mayor of the said city, or of Councillor or Councillors in any of the Wards thereof ; Provided, however, that no person may or shall be voted for at any such election, or may or can be elected thereto, for whose election a demand or requisition shall not have been made as aforesaid on the twelfth day of February aforesaid.

8. If after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said city, the Mayor of the said city, or in the event of his omission or refusal, the Council thereof, shall fix a day and place for the nomination of candidates for the said office, to be made in the form and manner, and between the hours provided in the next preceding section of this Act ; and the said Mayor or Council (as the case may be) shall at the same time fix a period, within which the election for the candidates

In what case a
poll shall be
granted.

Proviso.

Proceedings
when a vacancy
occurs in the
office of member
of the Council.

to be named may subsequently take place, if necessary ; and in the event of there being only one demand or requisition, made on the said nomination day, or of all the demands or requisitions made thereon, being for the same candidate, then the said party shall be proclaimed duly elected, in the form and manner already provided for : but in the event of their being two or more persons nominated for any such vacancy, a poll shall be granted, and the election shall be proceeded with in the manner provided for, in and by the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight.

Salary of Re-
corder fixed.

9. For and notwithstanding any thing to the contrary contained in the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, the salary of the Recorder of the said city shall not be less than two thousand dollars per annum, payable monthly out of the funds of the said city, and so much of the said Act as provides that the Recorder of the said city shall be assisted in holding the Recorder's Court by one or more of the Aldermen or Councillors of the said city, or that in the absence of the Recorder from sickness or other causes, the Mayor or one of the Aldermen or Councillors of the said city shall preside in the said Court, shall be, and the same is hereby repealed ; and it shall be lawful for the said Recorder, from time to time, by an instrument in writing under his hand and seal, to be deposited, filed and registered in the office of the Clerk of the said Recorder's Court, to nominate and appoint some fit and proper person, being an advocate of not less than five years' standing at the Bar of Lower Canada, to be and act as his Deputy in the event of his illness or necessary absence from the said city, and any such nomination and appointment from time to time to revoke and again to make, as circumstances may seem to him to require ; and each and every person so nominated and appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid until the revocation thereof, have, hold, use, occupy, possess and enjoy, and be vested with all

Recorder may
appoint a De-
puty, and how.

and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the Recorder for the said city, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid: Provided, nevertheless, that the said Recorder's *Proviso.*
Court shall not at any time be deemed to have been illegally held, nor shall the acts of any Deputy Recorder of the said city be deemed invalid, by reason of the absence of the Recorder not being deemed to be necessary within the meaning of this Act.

10. It shall be lawful for the said Council, at any meeting, or meetings of the said Council, composed of not less than two-thirds of the Members thereof, to make By-laws, which shall be binding on all persons, for the following purposes:

1. For the preservation of peace and good order, and the suppression of vice in the said city;—for the benefit of the trade, commerce and health thereof;—to restrain and prohibit all descriptions of gaming in the said city, and all playing of cards, dice, or other games of chance, with or without betting, in any hotel, restaurant, tavern, inn or shop, either licensed or unlicensed, in the said city;—to prevent and *Riots.* punish any riot or noise, disturbance or disorderly assemblies;—to give power and authority to enter into all groceries, grog-shops, taverns, hotels, and all other houses or places of public entertainment, whether licensed or unlicensed in the said city;—to detect and arrest on view such persons as may be found gaming, playing at cards, dice, or other games of chance, or cock-fighting or dog-fighting therein, contrary to any By-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein; to restrain and punish vagrants, mendicants, street-beggars, common prostitutes and disorderly persons;—to license, regulate or prohibit the exhibitions of common show-men, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations;—to prohibit or to punish cock-fighting, and dog-fighting, and all other cruel sports in the said city;—and also to prevent and *Cock-fighting.* *Racing.* &c.

*City Council
may make By-
laws for certain
purposes—*

*For preserva-
tion of the
peace and good
order, the sup-
pression of gam-
ing and vice,
&c., and as
regards—*

Grogshops.

Gaming.

Prostitution

Show-men.

-
- Flying kites,
&c.** punish horse-racing and immoderate driving or riding in the streets or highways thereof;—to prohibit and punish the flying of kites and every other game, practise or amusement in the public streets or elsewhere, having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the city, or to endanger property;—
- Removing
snow, &c.** to compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also from the side-walks in front of such premises, and to punish them for not so doing;—to prevent the encumbering of the streets, sidewalks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, fire-wood, or any other substance
- Encumbering
streets.**
- Peddling fruit,
&c.** or material whatsoever;—to prohibit and punish, or license, or regulate the sale or pedlery of fruits, nuts, cakes, refreshments, bread, jewellery, and merchandise of all kinds, in and upon or along the wharves, streets, side-walks, alleys, and public squares of the city;—to compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap-factory, tannery, stable, barn, sewer, garden, field, yard, passage or lot of ground, or any other unwholesome or noisome house or place whatsoever, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the said city;—to prohibit any person from bringing, depositing or leaving within the city limits, any dead body or any dead carcass, or other unwholesome or offensive substance, and to require the removal of any such substance, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof from the party or parties refusing or neglecting to remove or destroy the same;
- Nuisances.**
- Dead bodies,
&c.**
- Steam-engines,
soap factories,
&c.** 2. To prohibit, if deemed necessary, the erection, use, or employment in the said city of all steam-engines, soap and candle, or oil, or oil-cake factories, India-rubber or oil-cloth factories, slaughter-houses, dyeing establishments and other

factories or establishments wherein work, operations or processes, is or are carried on, liable or having a tendency to endanger property, or to affect or endanger the public health or safety ; and the said Council shall have power also to permit such erection, use or employment, subject to such restrictions, limitations and conditions, as the said Council may deem necessary ;

3. To restrain and regulate the keeping and running at large of cattle, horses, swine, sheep and goats, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and cost of proceedings, as well as the expense of their keeping ; to regulate and prevent the running at large of dogs in the said city, and to authorize the destruction of all dogs running at large contrary to any By-law of the said city :

4. To authorize the seizure and confiscation of grain, flour, butter, potatoes and all other vegetables, articles and effects, brought to the markets of the said city, for sale or otherwise, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause ;—to regulate bakers in the said city, and persons in their employ ;—to regulate the sale, weight, and quality of bread to be sold or exposed for sale in the said city, and to provide for the examination and weighing of all bread exposed for sale, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation, of any and all such bread so exposed for sale contrary to the said By-laws, or that may be light or unwholesome ; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread for the purpose of examining and weighing the same, and to do any other act or thing needful or necessary, or that may be deemed so for the public benefit and security, to carry out such purpose, or to enforce such By-laws ;

5. To authorize the granting of licenses to carters, and owners and drivers of public vehicles for hire, in and for the said city, and likewise for the better government of the owners and drivers thereof, and to establish rules and regu-

lations in reference to carts, cabs, caleches, carriages, or other public vehicles for hire, in and for the said city, as well as to fix a tariff of rates and charges for the same; and further, it shall be lawful for the said Council to make all such owners responsible for the misconduct or negligence of their servants, drivers, or persons in their employ, or having charge of their horses or vehicles for the time being, and liable to the same fines and penalties as are or may be imposed by any By-law or By-laws of the said Council upon such servants or drivers, or other persons aforesaid, the actual offenders:

Cleaning and repairing of the streets, &c.

6. To regulate, clean, repair, amend, widen, contract, straighten or discontinue the streets, squares, alleys, highways, bridges, side and cross walks, drains and sewers, and all natural water-courses in the said city; and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury; and also to determine the course of all natural water-courses passing through private property in the said city, and to regulate all matters concerning the same, whether the said water-courses be covered or not; they shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees, in the streets, squares and highways of the said city; the said Council shall also have power to cause such of the streets, lanes, alleys, highways and public squares, in the said city or any part or parts thereof, as shall not have been heretofore recorded or sufficiently described, or shall have been opened for public use during ten years, but not recorded, to be ascertained, described and entered of record in a book to be kept for that purpose by the City Surveyor of the said city, and the same, when so entered of record, shall be public highways or grounds; and the record thereof shall, in all cases, be held and taken as evidence for their being such public highways and grounds;

Water Works.

7. To regulate the management of the Water Works, Aqueduct, Reservoirs, and other works connected therewith, and for the maintenance of order and cleanliness on the said works;

8. And whereas great inconvenience and loss has been experienced in the City of Montreal, in consequence of the sale of hay, coal, peat or turf, firewood and other woods, on streets, and other public places not allotted for that purpose, be it enacted that the said Council shall have power and authority to make and pass By-laws to regulate the sale of hay, coal, peat or turf, firewood and other woods, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay, coal, peat or turf, firewood or other wood, in all places other than public markets, or public or private wood-yards, or such places as the said Council may allot or appropriate for that purpose.

11. And the said Council shall have power to fix a tariff of fines and rates to be paid at Pounds, now or hereafter to be established in the said city, in lieu of those fines and rates now paid at the same; any law or custom to the contrary notwithstanding.

12. And the said Council shall have full power and authority to pass By-laws for the better observance of the Lord's Day, commonly called Sunday, in the said City of Montreal, and for that purpose to prohibit the selling, vending or retailing, by store or shopkeepers, pedlars, hawkers, petty chapmen, hotel-keepers, tavern-keepers, or other persons keeping houses or places of public entertainment in the said city, and all other persons, on the said Lord's Day, of goods, wares, or merchandise, wines, spirits, or other strong liquors, or the purchasing or drinking thercof, in any hotel, tavern, or house or place of public entertainment in the city, by any person or persons; and also to enforce the closing of saloons and taverns from seven o'clock on Saturday evening until Monday morning; and the said Council may, by any such By-law, give power and authority to enter into all stores, shops, hotels, taverns, or other houses or places of public entertainment of any description whatsoever in the said city, for the purpose of arresting on view such parties or other persons suspected of so selling, vending or retailing, or offering or exposing for sale, or of purchasing or drinking, as aforesaid.

13. And by any such By-law, for any of the purposes Fines to enforce
By-laws.

aforesaid, the said Council may impose such fines not exceeding twenty dollars, or such imprisonment not exceeding thirty days, or both, as they may deem necessary, for enforcing the same.

Suits against non-residents.

14. Suits for assessments or taxes against non-residents may be brought in any Court of Justice having competent jurisdiction.

Completion of Assessment Rolls.

15. The Assessors shall complete the Assessment Rolls of the several Wards of the city with proper diligence, and shall make out fair copies thereof to be left with one of their number, in their office in the City Hall of the said city; they shall also forthwith give public notice thereof in the order in which the said Wards may be completed:

Notice of such completion.

1. Such notices shall set forth that the Assessors have completed their Assessment Roll of the Ward or Wards stated in the said notice, and that a copy thereof is left with one of their number at their office in the City Hall, where the same may be seen and examined by any person interested during the delay specified in the said notice, which delay shall in no case be less than fifteen days from the publication of the said notice; and that, after the expiration of that delay, at a day and hour to be stated in the said notice, the Assessors will meet, at their office aforesaid, to review their assessments of the real estate set down in the said Assessment Roll or Rolls; on the application of any person conceiving himself aggrieved, it shall be the duty of the said Assessors on such day to meet at the time and place specified, and to hear and examine all complaints in relation to such assessments of real estate that may be brought before them; and they are hereby empowered, and it shall be their duty to adjourn from time to time, as may be necessary, to hear and determine such complaints;

Hearing complaints.

Provision when any one seeks a reduction of his assessment.

2. Whenever any person, on his own behalf or on behalf of those whom he may represent, shall apply to the said Assessors to reduce the value of his real estate, as set down in any of the said Assessment Rolls, it shall be the duty of such Assessors (if they see fit) to examine such person touching the value of his or their real estate; and after such

examination, they shall fix the value thereof at such sum as they may deem just; but if such person shall refuse to answer any question as to the value of his real estate, or the amount thereof, the said Assessors shall not reduce the value of such real estate; the examination so taken shall be written, and shall be subscribed by the person examined, and shall be filed in the office of the said Assessors:

3. And any persons complaining as aforesaid to the said Assessors of their assessment on their real estate, and applying for a reduction of the same, who may think themselves aggrieved by the decision of the said Assessors on their said application, may, at any time within fifteen days' delay, complain thereof by petition to the Recorder's Court, which shall have exclusive jurisdiction in all cases of complaint against the judgments of the said Assessors on the applications made to them for a reduction of assessment on real estate; all such petitions shall be filed with the Clerk of the Recorder's Court, who shall, from time to time, give due and sufficient notice, by publication in one English and one French paper in the said city, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof, respectively; and any party aggrieved by any decision of the said Recorder's Court with respect to any such complaint, may appeal therefrom, by summary petition, to any one of the Judges of the Superior Court for Lower Canada, sitting at Montreal, presented either in term or vacation, within a delay of eight days from and after the rendering such decision, and thereupon it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner, either in person or by his attorney, make such order in the premises as to law and justice may appertain:

4. When the Assessors, or a majority of them, shall have completed the Roll of any Ward or Wards, they shall deliver the same, duly certified, to the Treasurer of the said City.

Rolls to be delivered to City Treasurer.

Discount on assessments in certain cases.

16. It shall be lawful for the said Council, by a By-law thereof, to allow such rate or rates of discount as may be considered expedient, on all assessments and taxes, including the water rates, paid within such delay or delays, after the completion of the assessment in each year, as the said Council shall fix upon and set forth in the said By-law; and the said Council may, by any such By-law, charge interest, not exceeding six per centum, on the amount of all assessments and taxes which may remain unpaid after such delay, from the completion of the assessment in each year, as the said Council may determine and fix upon in the said By-law.

Council authorized to effect a further loan for certain purposes.

17. For the purpose of enabling the said Council to pay off certain open accounts and outstanding debts which are not included in the Consolidated Debt of the said city, established by the Act, sixteenth Victoria, chapter twenty-six; and also for the purpose of enabling the said Council to carry out such improvements, make such repairs, and generally to perform such works as are required in the said city, it shall be lawful for the said Council to borrow a further sum of money, not exceeding one hundred thousand pounds sterling, over and above any sum or sums of money which the said Council may have been heretofore authorized, or is now empowered to borrow on the credit of the said city; which amount the said Council may borrow from time to time, and in such sum or sums as may be required, either in this Province or elsewhere: and the said Council may grant and issue bonds for the same, bearing interest not exceeding six per centum per annum, and having *coupons* annexed to them for the interest aforesaid, which coupons shall be signed by the Mayor and Treasurer of the said city, and shall be payable to bearer; and the said bonds may be made payable either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable; and, generally, all the provisions of the Acts now in force as to bonds issued by the said Council, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Bonds may be issued.

Certain provisions to apply.

New debt to form part of the

18. The new debt to be created and established under the

authority of the preceding section of this Act, shall be added to, incorporated with, and form part of the Consolidated Debt of the said city, established by the said Act, sixteenth Victoria, chapter twenty-six, and shall be secured and paid by means of a sinking fund of two per centum per annum on the amount thereof, in the manner provided for, in and by the said Act; all and every the provisions of which said Act to secure and provide for the payment of the Consolidated Debt therein mentioned, shall extend and apply to, and be held and deemed to be in force, and to be incorporated with, and form part of this Act, in regard to any debt that may be incurred under the authority of the said preceding section of this Act, the establishment of a sinking fund to repay the same, the authority given to the Treasurer to levy a rate to repay the same or any part of the principal and interest thereof, in the event of the moneys in his hands proving insufficient for the purpose, and the power given to the Sheriff, in the event of the contingency therein stated, to levy a rate for the payment of the said debt, or any part thereof, in the manner and form prescribed by the said Act.

19. Inasmuch as the Mayor of the said city is annually eligible to be re-elected, and so likewise are the members of the Council, whose term of office will expire in the next succeeding month of March, and neither the Mayor nor the said members of Council consequently form part of the Board of Revisors, established by the twentieth section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight; the said Board shall hereafter be composed of such five members of the Council, to be taken exclusively from among the Aldermen and Councillors thereof, whose term of office will not expire in the next succeeding month of March, as the said Council may annually choose to select and nominate in the manner otherwise specified in the said twentieth section of the said Act.

20. In addition to the persons already disqualified by law from voting at any election of Mayor or Councillor in the said city, no officer or servant in the pay of the said Council, nor any officer, constable, or other member of the Police Force

Consolidated
Debt of the city.

Constitution of
Board of Re-
visors.

Members of
Police Force
may not vote.

of the said city, shall hereafter be qualified to vote at any such election.

How notices shall be given.

21. All notifications, generally, which are required to be given by this Act, or by the Acts hereby amended, relating to the Incorporation of the said city, and specially all notices in relation to the Water Works of the said city, or which are required to be given to the tenants of the Water Works of the said city, or the parties supplied with water from the said works, or liable to assessment therefor, may hereafter be made and given by public advertisement thereof in at least one newspaper published in the English language, and one newspaper published in the French language in the said city; And such notifications shall in all cases have appended to them the name of the officer of the said Council or other person authorized to give the same ; and they shall be published in each case for such periods of time as may be deemed reasonable and sufficient by the said Council, or by any Committee whose duty it may be to order the said publication thereof to be made.

Loan for erection of Market-houses, &c.

Bonds.

22. For the purpose of constructing and establishing Market-houses and Market-places, in the West, St. Ann's, St. Antoine, St. Lewis, St. James, and St. Mary's Wards of the said city, it shall be lawful for the said Corporation to effect a special loan of ten thousand pounds, sterling money of Great Britain, to be designated "The Market Loan," and to issue, under the hand of the Mayor and the seal of the said Corporation, Debentures or Corporation Bonds, to the said amount of ten thousand pounds sterling, aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum ; and all such Debentures shall be headed with the words or title "The Market Loan," to designate the object and purpose for which they shall be issued ; they may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient ; and they may have *coupons* annexed to them, for the half-yearly interest payable on them ; which coupons, being

signed by the Mayor and Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such *coupon*, by the Corporation, shall be *prima facie* evidence, that the half-year's interest therein mentioned has been paid, according to the tenor of such debenture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Market-houses and Market-places, to be constructed and established by means thereof.

23. The amount which the said Corporation is empowered to borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum, and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force, as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Where and how
such loan may
be effected.

24. The said Market-houses to be constructed and established by means of the special loan authorized to be made under this Act, and also the land to be acquired for the purpose thereof, and every matter and thing therewith connected, shall be, and they are hereby specially charged, pledged, mortgaged, hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation, for the construction and establishment of the said Market-houses and places, as well as for the due and punctual payment of the interest on the money which may be so borrowed as aforesaid; and all, each and every of the holders of the debentures issued for the said loan, shall have a concurrent pledge, mortgage, hypothec, or privilege on the said Market-houses, and property appertaining thereto, for securing the payment of the said debentures and interest thereon.

Market-houses
to be mortgaged
for its repay-
ment.

Council may regulate the laying of rail-ways and the passing of trains through the streets.

25. The said Council shall have power, whenever, in its opinion, public convenience requires it, to sanction and permit the track of any railroad to be laid in or along any street or public ground; and to regulate the use of locomotive engines, and of steam or any other motive power on any or every portion of any railroad within the city, and to prescribe and regulate the speed of cars upon any and every part of such railroad; and to enact By-laws in pursuance of the powers hereby granted, imposing a penalty of not more than four hundred dollars upon the proprietors or corporations owning any such railroad, or their servants for each and every violation of any such By-law.

By-laws to be public laws within the city.

26. The By-laws of the said Council shall be held and taken to be public laws within the limits of the said city; and as such shall be judicially taken notice of by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

Licenses to carters and chimney-sweeps.

27. The said Council shall have full power and authority to suspend or revoke all licenses granted to carters and owners, or drivers of public vehicles, in and for the said city; to ferrymen plying to and from the said city; to chimney-sweeps, and generally all licenses whatsoever granted by the said Council, for any offence or cause of misconduct, or violation of any By-law relating to or concerning such persons, holding any such licenses, or their trade, occupation, or business in respect of the same.

Jurisdiction of Recorder's Court ex-tended.

28. And whereas it is expedient to extend the jurisdiction of the Recorder's Court of the said City of Montreal, to all matters, complaints or offences cognizable by one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more Magistrate or Magistrates, the said Court shall have full power and authority to hear, try, and determine all matters, complaints or offences, which heretofore, by the laws and usages now in force, were cognizable by and within the jurisdiction of one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more Magistrates, and further the forms of procedure, informations, complaints, summonses, warrants, recog-

Forms in cap.
103 of Con.
Stat. Canada
to apply.

nizances, proceedings, orders, convictions, commitments, and all other orders, writs, warrants and proceedings generally, established in and by the Act forming chapter one hundred and three of the Consolidated Statutes of Canada, intituled : *An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders*, and set forth and contained in the Schedules of the said last mentioned Act, shall be, and the same are hereby extended and applied to the said Recorder's Court, and *mutatis mutandis* may henceforth be used and employed in all cases of a like or corresponding nature in the said Recorder's Court ; and further all and every the provisions of the said last cited Act, in regard to offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

And other provisions of the Act.

29. Any one or more joint owners or occupiers of any lot, house, or premises, or other real property in the said city, complained of for violation of any By-law of the said Council now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property, in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever, may be sued alone, or conjointly, in the said Recorder's Court, as may be deemed advisable, as well as the agent or agents of the said joint owners or occupiers or of any one of them, and the oral testimony of such ownership or occupancy, whether sole or joint or of such agency, or that the parties complained of are reputed to be such owners or occupiers, either sole or joint, or such agents as aforesaid shall be deemed sufficient.

Suits against joint owners of property for nuisances.

30. The Mayor, or other officer for the time being presiding at any meeting of the Council, shall have power to enforce his authority, for the maintenance of order and decency, by causing to be forcibly put out of and excluded from the Council Chamber, until the adjournment of the

Maintenance of order at meetings of the Council.

meeting, any member of the Council, persisting in misdemeanouring himself, after the Mayor, or officer so presiding, shall declare him to be out of order ; Provided that upon a motion to that effect, it shall be resolved by a majority of at least three-fourths of the members present that the Mayor, or officer presiding, should enforce his authority in that behalf ; and any motion to that effect shall always be held to be in order, and shall be put and decided upon without debate.

*Proviso : As to
exercise of
powers of per-
son presiding.*

*Section 86 of
14. 15 V., c. 128,
repealed.*

31. The eighty-sixth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and is hereby repealed.

*Loose and dis-
orderly persons
may be appre-
hended on view.*

32. It shall be lawful for any police officer or constable of the said city during the time of his being on duty, to apprehend on view, all loose, idle and disorderly persons ; that is, all persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard or other place, and all prostitutes or persons wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, out-house or other building, unoccupied ; or in the open air, or under a tent, cart, waggon or other vehicle, not giving a satisfactory account of themselves, and all persons causing a disturbance in the streets or highways, by shouting or otherwise,

*How such per-
sons shall be
dealt with.*

and to deliver any person so apprehended into the custody of the officer or constable appointed under the said Act, who shall be in attendance at the nearest Police Station or Watch-house, in order that such person may be so secured until he or she can be brought before the Recorder's Court of the said city, to be dealt with according to law, or the provisions of this enactment, or to give bail to such officer or constable for his appearance before the said Recorder's Court, the said Recorder or his deputy, if such officer shall think fit

*Powers of Re-
corder's Court
as to such per-
sons.*

to take bail in the manner prescribed by the said Act ; And it shall further be lawful for the said Recorder's Court, or the said Recorder, or his deputy, by whom any such loose, idle or disorderly person shall be convicted of any of the said recited offences, by confession, or by the oath of one or more credible

witnesses, to adjudge that such person shall pay a fine not exceeding twenty dollars, either immediately, or within such period as may be thought fit, and be imprisoned in the Common Gaol or House of Correction, at hard labour, for any time not exceeding two calendar months, or to adjudge that such person shall pay a fine of twenty dollars, either immediately or within such period as may be thought fit, and that in default of such payment, either immediately or within the time appointed as aforesaid, such person shall be imprisoned in the said Common Gaol or House of Correction, at hard labour, for any time not exceeding two calendar months ; the imprisonment, however, to cease upon payment of the fine imposed.

33. The ninetieth section of the said last cited Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby amended with respect to that part thereof imposing fine and imprisonment ; and it is hereby enacted that the said Recorder's Court shall have power and authority either to fine and imprison any person convicted before it of having assaulted or resisted any officer or constable appointed under the said Act, in the execution of his duty, or of aiding and inciting any person so convicted, to assault or resist, as declared by the said section, or to adjudge that the person or persons so convicted as aforesaid, shall, for every such offence, forfeit and pay such sum not exceeding twenty dollars, either immediately or within such time as may be thought fit, and in default of such payment either immediately or within the delay mentioned, such person or persons shall be imprisoned in the Common Gaol, or House of Correction, at hard labour, for a period not exceeding thirty days.

34. The said Council shall have full power and authority in all cases of offences for the commission whereof fine and imprisonment are imposed by any By-law of the said Council, to proceed against and prosecute parties charged therewith, either by summons or by warrant issued upon affidavit taken before the Recorder of the said city, or his deputy, as may be thought more advisable for the attainment of justice.

35. And whereas it is enacted, in and by the seventy-

Sect. 90 of 14.
15 V., c. 128.
amended.

Powers of Recorder's Court.

Prosecution for certain offences under By-laws.

Recital.

14, 15 V., c. 128, fourth section of the said Act hereinbefore recited (fourteenth
S. 74.
and fifteenth Victoria, chapter one hundred and twenty-eight), that in all cases where the proprietors of the majority of the real estate in any street, square, or section of the city, that is to say, the proprietors of the larger part in value of the said real estate, and according to the then assessed value thereof, may apply to the said Council for any specific local improvement in and to the said street, square, or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same; and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by By-law, a special rate, tax or assessment on all real estate in the said street, square, or section of the said city, benefited or to be benefited by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide; but no provision is made in the said section to fix and determine what real estate in the said street, square or section of the said city is so benefited or to be benefited by the said improvement, or to apportion the said special rate, tax or assessment, on the said real estate, as nearly as may be in proportion to the benefits resulting or to result from the said specific improvement; It is enacted, that in all cases where land or property may have been taken and appropriated for any specific improvement by virtue of the said in part recited seventy-fourth section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the whole of the real estate in such street or streets, square, or section of street or streets, with the exception, on each occasion, of the lot or lots from which the land or property aforesaid may have been or shall hereafter be taken, shall be held to have been equally benefited by such improvement, and shall be equally rated, taxed, or assessed, to provide the expense of the said improvement, as nearly as may be, in whole or in part, according to the man-

Ifow property
shall be assessed
in respect of
local improve-
ments.

ner in which the said Council may have already decided, or shall hereafter decide, that the said expenses thereof were to have been, or shall be, borne by the said Proprietors ; and so much of the said section as empowers the said Council to regulate and apply such rate, tax, or assessment, to and upon any such real estate to be so rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement, shall be and the same is hereby repealed ; and the assessed value of all real estate in any such street or streets, square, or section of a street or streets, for the year in which any such aforesaid improvement may have been heretofore made, or in which any such aforesaid improvement may hereafter be made, under the said section, shall be held to be the assessed value thereof, for the purposes of the said improvement ; Provided *Proviso.* that no real estate in any such street or streets, square or section of street or streets, shall be exempted from being rated, taxed or assessed towards any such improvement except in the particular occasion of a part thereof being taken for the purposes of the said improvement, or to carry out the same ; Provided further, that in case any real estate shall be *Proviso.* situated on two or more streets or on one or two streets and a public square, the said Council, in passing such a By-law, shall determine what portion of the said real estate is benefited by the specific improvement made in the said street or square, and shall accordingly apportion the special tax or assessment to be levied on the said real estate, by reason of the said improvement.

36. In all cases where the whole or any part of any real estate, subject to any lease or other agreement, shall be taken by the said Council, under the said section of the said Act, all the covenants and stipulations contained in such lease or agreement, shall, upon the passing of a By-law by the said Council, to impose and levy the special rate, tax or assessment, required for the purpose of defraying and covering the cost of any such specific local improvement, cease, determine, and be absolutely discharged ; and in all cases where a part only of any real estate shall be so taken, the said covenants

In case pro-
perty subject
to any lease,
&c., be taken by
the Council.

and stipulations shall be so discharged, only as to the part so taken; and in passing such a By-law, the Council of the said city shall determine the rents, payments and conditions, which shall be thereafter paid and performed, under such lease or agreement, in respect to the residue of such real estate.

Meaning of certain words in
Sect. 74 of 14, 15
V., c. 128.

37. And whereas doubts have arisen as to the meaning of the words "Section of the City," contained in the said seventy-fourth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, it is enacted, that the said words "Section of the City," shall mean and be taken as comprising any portion of the city, square or street, for which any such specific local improvement has been, or may hereafter be applied for, by any such petition as aforesaid.

Christian and
surnames to be
set forth in the
list of voters.

38. In the lists and certificates of voters in the several Wards of the said city, for Mayor and Councillors of the said city, there shall hereafter be stated and set forth, at full length, the Christian and Surnames of the said voters, their occupations, and the streets in which they reside, in the said city, or in which they have their places of business therin, whenever the right of vote arises out of the business carried on by the said voters.

17th sect. of
14, 15 V., c. 128,
amended.

City Clerk may
require an oath
of a voter.

39. And whereas it is necessary to amend the seventeenth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, with respect to the formalities to be observed by the City Clerk, prior to the delivery to any person whose name shall be on the voters' list for any Ward, for a certificate to the effect that the name of such person is on the voters' list, and that he is entitled to vote at the election to be held for Mayor of the said city, and for a Councillor or Councillors for such Wards, it is enacted that the said City Clerk, or any person acting for him, shall have full power and authority, whenever deemed necessary, to administer to such person requiring such certificate, the following oath or affirmation, before delivering the said certificate, viz:

Form of oath.

" You swear (*or solemnly affirm*) that you are the person

" named and described in the certificate claimed by and now
 " shown to you, (*reading to the said party, at the same*
" time, the name, occupation, and name of the street, set
" forth in full, in the said certificate,) and that you are
 " entitled to vote at the election to be held for Mayor of the
 " City of Montreal, and for a Councillor (*or Councillors, as*
" the case may be) for the (*naming the ward*) Ward of the
 " said city. So help you God."

40. If any person, who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said city, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself or by any person employed by him, shall by any gift or reward, or by any promise, agreement or security, for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid, shall, for every such offence, forfeit the sum of forty dollars, to be recovered, with full costs of suit, by any one who shall sue for the same in the Circuit Court for the District of Montreal; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in the said city.

41. The sixteenth section of the said Act, fourteenth and ^{Sect. 16 of 14, 15} fifteenth Victoria, chapter one hundred and twenty-eight, ^{V. c. 128, re-} pealed. shall be and the same is hereby repealed.

42. The Voters' List for each Ward of the said city, when settled and signed in the manner provided for in and by the last cited Act, shall be again placed and kept in the City Hall, until after the close of the elections, shall then be filed in the office of the City Clerk; and every person whose name shall appear in such Ward list, and who shall produce a certificate in the manner provided for by the said Act shall be entitled to vote at the election for Mayor of the said city, and

Proviso: Certain oaths may be required of voters.

for a Councillor or Councillors, as the case may be, in the Ward stated in his certificate, without any further inquiry as to his qualification ; Provided that it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said city, or for the Recorder or City Clerk thereof, to administer either, or both, of the following oaths, marked one and two, included in this section, to any party producing any such certificate, and claiming a right to deposit the same, and vote at the said election : and it shall be compulsory on the said Mayor, Alderman or Councillor, and upon the said Recorder or City Clerk, to administer either or both of the said oaths, upon the requisition to that effect of any candidate at the said election, or any duly qualified voter in the said city, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting, of his being of the full age of twenty-one years, or of his having received or been promised any consideration for his vote ; and any persons required to take the said oaths, or either of them, and refusing so to do, shall be prohibited from voting so long as he shall persist in his refusal, and until he shall have taken the said oath or oaths.

Persons refusing them shall not vote.

Oath Number One.

Form of oath.

“ You swear (*or if he be one of the persons permitted by law to affirm in civil cases, you affirm*) that you are the person named and described in the certificate now shown to you (*reading to the said party, at the same time, the name, occupation, and name of the street set forth in full, in the said certificate*) ; and that you have not voted before at this election. So help you God.”

Oath Number Two.

Form of oath.

“ You swear that you verily believe you are of the full age of twenty-one years ; and that you have not already voted at this election ; and that you have not received any thing, nor has any other person, to your knowledge or

“ belief, received any thing for you or on your account or
 “ behalf, either directly or indirectly ; neither has there been
 “ any thing promised to you, or, to your knowledge or belief,
 “ to any other person for you or on your behalf or account,
 “ either directly or indirectly, in order to induce you to give
 “ your vote at this election, nor do you expect any remune-
 “ ration, gift or reward, either directly or indirectly, for
 “ voting at this election. So help you God.”

43. Any person who shall swear or affirm falsely, upon the said prescribed oaths, numbered one and two, contained in the preceding section, or either of them, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties of the said offence.

44. Hereafter no Auditor, elected or appointed under the said last cited Act, shall be required to take an oath that he is holder of real or personal estate, as one of the qualifications for holding such office ; but the following oath shall be administered to such Auditor by the Mayor, or any Alderman or Councillor thereof, or the City Clerk, to wit :

“ You (*name of Auditor*), having been elected Auditor Form.
 “ for the City of Montreal, do sincerely and solemnly swear
 “ that you will faithfully fulfil the duties of the said office
 “ according to the best of your judgment and abilities. So
 “ help you God.”

And no other oath shall be required of such Auditor.

45. The nineteenth section of the Act last cited (fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight) Sect. 19 of 14.
 15 V. c. 128.
 amended. shall be and the same is hereby amended, by substituting in the said nineteenth section the words “ sixteenth section,” in place of “ fifteenth section.”

46. The thirty-third section of the Act last cited shall be Sect. 33 of said
 Act repealed. and the same is hereby repealed.

47. The forty-eighth and forty-ninth section of the said last cited Act shall be and the same are hereby amended, in 48th and 49th
 sects. thereof
 amended. so far as respects the manner of appointing a Chairman at any meeting of the said Council, in the absence of the Mayor and Acting Mayor of the said city, so that the said Council shall

have full power and authority hereafter, in the absence of the said Mayor and Acting Mayor, to choose any Alderman or Councillor to be Chairman at any such meeting.

56th section repealed.

Tariff of rates to be fixed for water supply.

48. The fifty-sixth section of the Act last cited, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, shall be and the same is hereby repealed.

When to become payable.

49. It shall and may be lawful for the said Council of the said city, when and so soon as they are prepared to supply the said city or any part thereof with water, to establish a tariff of rates for water supplied or ready to be supplied in the said city from the said Water Works, which said tariff of rates shall be payable at the times and in the manner to be established in the said By-law, by all proprietors, occupants or others supplied with water from the said works, or whom the said Council are prepared and ready to supply with water from the said works; which tariff of rates shall not, however, be made payable before the water is ready to be supplied to the said proprietors, occupants or others, by the said Council; the said tariff of rates shall and may be made payable by all such proprietors, occupants or others, as well by those who refuse as by those who consent to receive into their houses, stores, shops, offices, places of business, or other buildings, the water-pipe to supply the said water; but the said tariff of rates shall not be payable by the proprietors or occupants of any such house, store, shop, office, place of business, or building, until after the said Council shall have notified them that they are prepared and ready to supply such house, store, shop, office, or place of business or building, with water, and if, from the time of such notification to the next period appointed for the payment of such tariff of rates, there shall be any broken period, then such tariff of rates shall be payable *pro rata* for such broken period, as if accruing day by day;

Provided that the expense of introducing the said water into the said houses, stores, shops, offices, or places of business, or other buildings, shall be borne by the said Council, and the work performed by the same; but the distribution of the water through the said houses, stores, shops, offices, places of business, or other buildings, after being introduced

Proviso: As to cost of introducing water.

into them, shall be borne by such proprietors or occupiers, if required by them; Provided that in every case where such proprietor shall refuse or neglect to make the expense required for the distribution of the said water, and that the said Council shall exact the payment of the water-rate imposed in and by the present section from the tenant, then, in every such case, such tenant may withhold from the said proprietor, out of the rents to be paid him for the property he occupies, the amount of water-rate thus paid by such tenant, unless such tenant be bound towards the said proprietor, by his lease or otherwise, to make the expense required for the distribution of the said water.

Proviso: As to payment by tenant.

50. And whereas, in cases where the said Council have Recital, purchased or taken and entered into property for the use of, or the improvement or extension of the Water Works of the said city, by virtue of the Act passed in the seventh year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and of the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow a certain sum of money, and erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto*, doubts have been raised as to the authority or power of the said Council to grant mortgages (*hypothèques*) for the price of such property purchased, taken, or entered into, or any part thereof, remaining unpaid by the said Council: It is enacted, that in all such cases the said Council shall have power and authority to grant mortgages (*hypothèques*), on the property so purchased or taken, to the person or persons from whom such property may have been heretofore, or shall hereafter be purchased or taken, or to any other person or persons having a right to receive or accept the same, for the price or purchase-money thereof, or any part thereof, remaining unpaid and owing, in the like manner as any individual purchaser of the said property might or could have done, or may or can hereafter do.

Doubts as to powers of Council to grant hypotheces removed.

Certain powers
conferred on
Superintendent
of Police.

51. All the powers conferred by the sixty-eighth section of the said Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, upon Justices of the Peace residing in the City and Town of Montreal, relative to the proceedings to be adopted in case of expropriation, are hereby granted to and conferred upon the Inspector and Superintendent of Police for the said City of Montreal ; and the said Superintendent of Police shall, on presentation of a petition for the purpose, and in the manner specified in the said section, adopt the proceedings which Justices of the Peace are required, in and by the said section, to adopt in such cases.

Certain suits
formerly
brought by
Revenue In-
spectors may
be brought by
Policemen, and
in Recorder's
Court.

52. All suits, actions or prosecutions that could, before the passing of this Act, be brought and commenced in the name of one of the Revenue Inspectors, in virtue of the forty-second section of the Act fourteenth and fifteenth Victoria, chapter one hundred, may hereafter be brought and commenced before the Recorder's Court in the name of the said Corporation or of any member of the Police Force of the said city, provided they are brought for offences committed within the limits of the said city ; and all and every the provisions of the said last cited Act in regard to said offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

Judgments of
Recorder's
Court may be
registered
summarily.

53. Notwithstanding any thing to the contrary contained in the Acts fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and eighteenth Victoria, chapter one hundred and sixty-two, it shall not be necessary hereafter to enregister at length the proceedings and judgments of the Recorder's Court in cases respecting the recovery of assessments, taxes and other dues of the like nature, but such proceedings and judgments shall be enregistered summarily ; and it shall not be necessary, in any summons or action before the Recorder's Court, to specify or recite the By-law under which such action is brought, but it shall be sufficient to state that it is in virtue of the By-law in that behalf made.

54. The forty-fifth section of the Act, fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, is hereby amended so that the word "February," wherever it occurs in the said section, shall be replaced by the word "April."

55. All the provisions of any law inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

56. Nothing herein contained shall be construed to repeal any By-law heretofore made under any Act or part of an Act or provision of law hereby repealed; and notwithstanding such repeal every such By-law now in force shall have the same force and effect as if this Act had not been passed unless and until the same be repealed or altered by virtue of this Act.

57. This Act shall be deemed a Public Act.

Public Act.

[By the *sixth* section of the Act 24 Vic., Cap. 68, passed on the 18th May, 1861, it is enacted, That notwithstanding any thing contained in the Acts incorporating the City of Montreal, or amending the same, no By-law of the Corporation of the said city shall restrict or affect in any manner the exercise of the powers conferred upon the Harbour Commissioners of Montreal, under the various Acts relating to the said Harbour.]

The city By-laws shall not restrict the powers of the Harbour Commissioners.

(7 VICTORIA, CAP. 44.)

An Act to authorize the Mayor, Aldermen and
Citizens of Montreal to purchase, acquire
and hold the property now known as the
Montreal Water Works.

(Assented to 9th December, 1843.)

Preamble.

WHEREAS the Corporation of the Mayor, Aldermen and
Citizens of the City of Montreal, incorporated by law,
have, by their humble petition, addressed to the several
branches of the Legislature, represented their having negotiated
with "the Proprietors of the Montreal Water Works,"
incorporated by the Act of the Legislature of the late Province of Lower Canada, passed in the forty-first year of the
Reign of His late Majesty King George the Third, for the
purchase of the said Water Works, including the whole of
the property, movable and immovable, connected therewith,
and have concluded an agreement with the said proprietors
for the purchase thereof, for the sum of Fifty Thousand
Pounds, currency, payable in Debentures or Corporation
Bonds, redeemable on or before the first day of November,
one thousand eight hundred and sixty-eight, and bearing
interest payable semi-annually at the rate of six per cent.
per annum; And whereas the said Corporation have not
funds at their disposal, or which they are now empowered
by law to raise, sufficient to effect the said purchase, unless
they suspend all the public works and improvements now
requisite in the said city; And whereas under the provisions
of the Ordinance of the Governor and Special Council
of the late Province of Lower Canada, incorporating the said
Mayor, Aldermen and Citizens, it is enacted that it shall not
be lawful for the Council of the said City of Montreal to
borrow, on the credit of the said city at one time, any sum

or sums of money exceeding the aggregate amount of the revenue of the said city for five years, and that no sum or sums of money shall be so borrowed, while the said city shall be in debt to such aggregate amount, unless the said Council shall be authorized in this behalf by an Act of the Legislature of this Province; And whereas the said intended purchase will be greatly profitable to the city and highly beneficial to its inhabitants by enabling them to obtain a plentiful supply of pure and wholesome water at greatly reduced rates from those at present exacted by the said "Proprietors of the Montreal Water Works;" And whereas it is expedient to grant the prayer of the said Corporation as aforesaid, for authority to complete the said intended purchase on the terms in their said petition and hereinafter specially set forth; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the said Corporation of the Mayor, Aldermen and Citizens of the said City of Montreal, on or after the first day of January next, provided due notice be given by the Council of the said city at least ten days prior to the now next annual election that the final purchase of the said Water Works will be a question to be decided by the City Council, one month subsequent to the said annual election, if they shall then deem it expedient, to make and perfect the purchase from "the Proprietors of the Montreal Water Works" or their representatives, incorporated under an Act of the Parliament of the late Province of Lower Canada, passed in the forty-first year of the Reign of His late Majesty King George the Third, intituled, *An Act for supplying the City of Montreal, and the parts thereunto adjacent, with Water, of all such buildings, houses, sheds, engines,*

The Corporation
of the City of
Montreal, after
certain notice,
authorized to
make the pur-
chase of "the
Montreal Water
Works" from
the proprietors
thereof, incor-
porated by Act
41 George III.
c. 10, with all
the movable and
immovable pro-
perty thereunto
belonging, and
all rights, au-
thorities, and
privileges now
enjoyed by the
said proprie-
tors, for the
sum of £50,000
currency.

water houses, reservoirs, reservatories, water wheels, fire engines, machinery, working gears, cisterns, ponds, basins of water, main pipes, rider pipes, stand pipes, service pipes, conduct pipes, branches of iron, lead or other metal, plugs, cocks, chambers, cocks in common, stop-cocks, stop-backs, valves, fire plugs, air plugs, fire-cocks, boxes, forcing mains, ferrils, feeders, campirs, drains, pumps, sluices and other works, devices or things; and generally all movable or immovable property connected with or belonging to the said Montreal Water Works, situated, lying, or being within the said City of Montreal or in the vicinity thereof, or requisite and necessary for the support and maintenance of the said Water Works, as also all lead, leaden and other pipes, brass cocks, fuel, tools and materials of every description, now possessed by the said "Proprietors of the Montreal Water Works," or appertaining to the establishment thereof, or that may have been ordered for the use of the said Water Works and not yet in their possession, together with all rights, privileges, powers and authority heretofore or now vested in or possessed by the said "Proprietors of the Montreal Water Works," under the Act aforesaid, at and for a sum, price or purchase money not exceeding Fifty Thousand Pounds, current money of this Province, to be payable in the manner hereinafter mentioned.

After such purchase, all the powers, privileges, rights, titles, and interest to the movable and immovable property connected with the Montreal Water Works, and for supplying the city with water, to be transferred to and vested in the said Corporation.

2. And be it enacted, That from and after the completion of the intended purchase, sale, transfer and conveyance as aforesaid, by and to the Corporation first above mentioned, all the powers, privileges and authority given and conferred upon, or possessed or enjoyed by the said "Proprietors of the Montreal Water Works," and all the property and possession of the said Water Works, in and by virtue of the said Act of the Parliament of the late Province of Lower Canada, incorporating the same, or in and by virtue of any other Act or Acts whatsoever relating to the same, shall be transferred, conveyed, made over to and conferred upon, possessed and enjoyed by the said Corporation first above mentioned in as full and effectual a manner as if the same were herein more specifically detailed, and all the powers, rights, title, interest,

privileges or claim, of the said " Proprietors of the Montreal Works," to, in, or upon all or any part of the said movable and immovable property, or for supplying the said city or the parts thereunto adjacent, with good and wholesome water, and all powers and authority heretofore and now possessed, enjoyed or claimed by them for that purpose, shall from thenceforth be vested in and belong to the Corporation, first above mentioned, and shall be managed by the Council of the said city as other property of the said Corporation, subject always to the provisions of this Act.

3. And be it enacted, That it shall and may be lawful for the said Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, after effecting the intended purchase as aforesaid, by any By-law to be hereafter passed in the manner provided by the said Ordinance incorporating the Inhabitants of the said city or by any Act that may hereafter be passed for the same purpose, and they are hereby authorized and empowered to improve, alter or remove the said Water Works, or any part or parts thereof, and to change the site of the several engines and place or sources of supply thereof, and also by themselves, their Agents, Deputies, Officers, Workmen, Servants or Assistants, from time to time to erect, construct, repair, and maintain any where within twelve miles from the nearest limits of the said city, all such buildings, houses, sheds, engines, water houses, reservoirs, reservatories, water sheds, fire engines, machinery, working gears, cisterns, ponds and basins of water, and the other works, devices and things hereinbefore recited in such manner and of such construction as they shall think necessary, proper or expedient for forcing, conveying and conducting, into and throughout the whole of the said city and the parts thereunto adjacent, or conducive to the existence, improvement or continuance of the said Water Works : and for effecting the foregoing or any other purpose or purposes connected with the said Water Works, it shall and may be lawful for the said Corporation, and they are hereby authorized and empowered to purchase, hold and acquire any lands, tenements and immovable estate, servitudes, usufruits,

The Corporation may improve, alter, or remove the said Water Works, may acquire additional real estate for that object, or dispose of that now by them enjoyed or possessed.

hereditaments, or other real property of any description, within the said City of Montreal or in the vicinity thereof, not distant more than twelve miles from the limits of the said city, which shall or may be necessary for the said Water Works, or for improving, altering, enlarging or extending the same; saving nevertheless to the Seignior or Seigniors within whose *censive* the said lands, tenements, immovable estate, hereditaments or other real property as aforesaid, so purchased, may be situate, his or their several and respective rights that may become legally due upon the commutation of the tenure of such lands and tenements, which commutation it shall be the duty of the said Corporation to effect with the least possible delay, and also to sell and dispose of any lands, tenements or immovable estate now possessed by the said Mayor, Aldermen and Citizens as aforesaid, or that may be hereafter purchased, acquired or possessed by them, if deemed requisite so to do for the purposes of the said Water Works.

Corporate bodies, and all other persons, authorized to sell any real estate required by the Corporation under this Act, and indemnified for the same.

4. And be it enacted, That it shall and may be lawful for all Bodies, Politic or Corporate or Collegiate Corporations, aggregate or sole, Communities, Husbands, Tutors or Guardians, Curators, *grèvés de substitution*, and all Executors, Administrators and other Trustees or persons whatsoever, who are, or shall be seized or possessed of, or interested in, any lands, tenements, immovable estate, servitudes, usufruct and hereditaments, or other real property, within the said city, or within twelve miles thereof, which may be selected and desired by the said Corporation for the purposes of the said Water Works, after the purchase thereof as aforesaid, not only for and on behalf of themselves, their Heirs and Successors, but also for, and on behalf of, all persons whom they represent, or for whom, or in trust for whom, they are, or shall be seized, possessed or interested as aforesaid, whether Minors or issue unborn, Lunatics, Idiots, *Femæ Covert*, or other person or persons, to contract for, bargain, sell and convey such lands, tenements, immovable estate, servitudes, usufruct and hereditaments or other real property, and such contracts, sales, agreements, assurances and con-

veyances so to be made, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary, notwithstanding ; and all Bodies Politic, Corporate or Collegiate, Communities, Corporations and persons whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for, and in respect of any such sale, which he, she, or they shall respectively make, by virtue of, or in pursuance of this Act ; securing always the rights of any person or party, to the whole, or any part of the purchase money, to be paid by the said Corporation, for any real property purchased, as aforesaid.

5. And be it enacted, That the said Corporation shall have full power, notwithstanding any law to the contrary, to take and enter into, after paying, tendering or depositing the value thereof, such land, ground, or real property of any description lying within the said city or within twelve miles of the limits thereof, not belonging to the Crown or vested in any officer, person or body for the public uses of the Province as may be necessary for enabling the said Corporation to carry this Act fully into effect, according to the true intent and meaning thereof, in the same manner, and under the same provisions, limitations and conditions, as if such land, ground, or real property lay within the City of Montreal, and were required for opening a new street or for any other purpose for which the said Corporation may lawfully take and enter into land, ground, or real property within the said city after paying, tendering or depositing the value thereof ; and it shall be lawful for the Governor or person administering the Government, in Council, if he shall deem it expedient, and on such terms and conditions as to him shall seem meet, to grant or lease to the said Corporation such portion of the Beach or Ground covered by the Waters of the River Saint Lawrence or other river, or of any other lands of the Crown, or such right or privilege of using the steam or water of any such river, as may be necessary to enable the said Corporation, more fully to carry this Act into effect : any Act or law to the contrary notwithstanding.

Corporation
may take and
enter upon any
land, being pri-
vate property
required for the
purposes of this
Act, after pay-
ment or tender
of the value
thereof.

Governor in
Council may
grant or lease
to the Corpora-
tion any Beach
lots, or Crown
lands, or right
of using water
of any stream.

The Corporation authorized to open streets and erect works for conducting the water.

6. And be it enacted, That it shall be lawful for the said Corporation, and their Agents, Deputies, Officers, Workmen, Servants and Assistants, to dig, break up, and remove the soil, posts, sewers, drains, pavements and gravelled ways, of any of the public highways, roads, streets, squares, hills, market-places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, gateways, closes, ditches, walls, precincts and other passages and places within the said city, and within twelve miles of the limits thereof, doing no unnecessary damage in the premises, and to enter into, and make use of, any private lands or grounds, within the said city and within twelve miles of the nearest part thereof, and to dig and sink branches, and lay and drive pipes, and put, fix and establish stop-cocks, fire plugs, air-cocks and branches from such pipes, and to widen common passages, for the laying and fixing such pipes, and all such matters and things as aforesaid, in such places and in such manner, as they shall judge necessary, for conveying the water to the respective houses, offices and other tenements of the said inhabitants of the said city, and the parts thereunto adjacent, and from time to time, as occasion may require, to alter the position of, and to repair, relay and maintain such pipes, stop-cocks, plugs, machinery, conduct-pipes, devices, matters and works aforesaid, and to do and perform all such other Acts, as shall from time to time be necessary or proper, for completing, amending, repairing, improving, and using the works already made or provided, or to be made, done or provided, for the purposes aforesaid:

Corporation not to make use of private property without consent of the owner.

Provided always, that it shall not be lawful for the said Corporation, or any person acting under their authority, to enter into and make use of any private lands or grounds within the limits of the said city, and within twelve miles thereof, without the consent of the owner or owners thereof, except after paying, tendering or depositing the value thereof, as hereinbefore provided : And provided also, that the respective persons, who shall open and break up, or cause to be opened, or broken up, any ground, for laying, taking or repairing any pipe, or other work, as aforesaid, by virtue of

Grounds opened for the laying of pipes and trenches to be filled, and the pavements made good.

this Act, shall, and they are hereby required to take care, as far as may be, to preserve a free and uninterrupted passage through any street, lane, alley, road, square, public place, highway or other places, while the works are in progress, and to cause the trenches to be filled in, and the pavement or ground made in as good a condition as before the commencement of the work, without any unnecessary delay, and the rubbish occasioned thereby to be carried away as soon as reasonably may be, and in the meantime, to cause the place where the ground shall be opened or broken up, as aforesaid, to be fenced or guarded with lamps or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of forfeiting for every neglect, to any person suing for the same, in a summary manner before any Justice of the Peace for the District, on the oath of one credible witness other than the party suing, a sum not exceeding five pounds, current money of this Province, over and above all such damages, as may be recovered against the said Corporation in any civil action.

7. And be it enacted, That where there are buildings within the said city, or the parts adjacent thereto, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Corporation shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants, to convey the water to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig and cut trenches therein for the purposes of laying down pipes or taking up and repairing the same, the said Corporation doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction to the owners or proprietors of buildings or other property, for all damages to be by them sustained in or by the execution of all or any of the said powers; subject to which provisions this Act shall be sufficient to indem-

When buildings
are possessed by
different propri-
etors or tenants,
how the Corpo-
ration is to act,
making satis-
faction for all
damages.

nify the said Corporation or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

WaterWorks so to be situated as not to endanger the public health or safety.

8. And be it enacted, That the said Corporation shall so maintain or locate their Water Works and all apparatus and appurtenances thereunto belonging and appertaining or therewith connected, and wheresoever situated as in no wise to endanger the public health or safety : Provided always, that nothing in this Act contained shall prevent the said Corpora-

tion to be liable to prosecution for public or private nuisance.

tion, their Officers, Servants, or Workmen from being prosecuted for public or private nuisance arising from the said Water Works, or any apparatus or appurtenances thereof, wheresoever situated, or from any neglect or want of skill on the part of the persons employed by the said Corporation, or to prevent the effect of any sentence or judgment lawfully rendered upon any such prosecution.

Penalty on procuring water without the consent of the Corporation, from their Water Works.

9. And be it enacted, That if any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main belonging to the said Corporation, or in any way obtain or use its water without the consent of the said Corporation, he or they shall forfeit and pay to the said Corporation the sum of twenty-five pounds current money of this Province ; and also, a further sum of one pound for each day such pipe or main shall so remain ; which said sum, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having civil jurisdiction to that amount.

Penalties on persons polluting waters in reservoirs.

10. And be it enacted, That in order to preserve the water now or hereafter to be conveyed into the said city, and the parts thereunto adjacent, clean and wholesome, if any person shall bathe or wash, or cleanse any cloth, wool, leather, skins, animals, or any noisome or offensive thing in any of the reservoirs, cisterns, ponds, sources or fountains, from which the water to supply the said City is to be obtained or conveyed, or cast, throw or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or cause, permit, or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other annoyance to be

done to the water therein, every such person shall, on conviction thereof before any Justice of the Peace of the District, on the oath of one credible witness, be by the said Justice before whom such person shall be tried or convicted, adjudged and condemned to pay a penalty for every such offence, not exceeding five pounds, current money of this Province, one half to be applied to the use of the said Corporation, and the other half to him or her who shall sue for the same; and in case the party suing for the same shall be the Corporation itself, or any of their Officers or Servants, then the whole of the said penalty shall be applied to the uses of the said Corporation, and the said Justice may also in his discretion further condemn such person to be confined in the Common Gaol of the District for a space of time not exceeding one month, as to such Justice may seem meet.

11. And be it enacted, That if any person or persons shall wilfully or maliciously hinder, obstruct, embarrass or interrupt the said Corporation, their Agent, or Agents, Officers, Workmen, Servants or Assistants, or any of them, in making, erecting, repairing or doing or performing any of the works aforesaid, or in the exercise of any of the powers and authorities by this Act granted, or shall break up, pull down, take away, put out of order, destroy, damage, or injure, any engine, water-house, pipe, plug or other works, or any matter, apparatus, device, or thing already made or provided, or which shall be made or provided for the purposes aforesaid, or any of the materials used or provided for the same or ordered to be erected, laid down or belonging to the said Corporation in connexion with the said works, or shall in any wise wilfully do any other injury or damage for the purpose of obstructing, hindering, interrupting or embarrassing the construction, completion, maintaining or repairing of the said works, or in any wise cause or procure the same to be done, every person or persons so offending shall, for every such offence, forfeit and pay to the said Corporation the amount of damages sustained by means of such offence or injury, to be recovered by the said Corporation, with costs of suit, by

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action of debt before any competent Court or Tribunal within this Province.

Corporation may make By-laws for the regulation, maintenance, and protection of the Water Works.

12. And be it enacted, That it shall and may be lawful for the said Corporation as aforesaid, and they are hereby authorized and empowered to make such By-laws as to them shall seem requisite and necessary, for prohibiting, by fine not exceeding five pounds, currency, or imprisonment not exceeding one month, any person being occupant, tenant, or inmate of any house, supplied with water from the said Water Works, from vending, selling, or disposing of the said water, from giving it away, or permitting it to be so taken or carried away, or from using or applying it to the use or benefit of others, or to any other than to his, her or their own use or benefit, or increasing the supply of water agreed for with the said Corporation, or wrongfully, negligently or improperly wasting the water, for regulating the time, manner, extent and nature of the supply of water to be provided and supplied by the said Works, the tenement or parties to which and whom the same shall be furnished, the price or prices to be exacted therefor, the time and mode and circumstances of payment therefor, and each and every other matter or thing, relating to or connected therewith, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said Corporation with regard to the water so to be supplied.

Corporation to have no power to enact any By-law imposing any general water rent or tax, and to compel tenants, &c., to take the water.

13. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to confer upon the said Corporation any additional right of assessment beyond that now by them enjoyed, or of enforcing any general water rent or tax, or to permit the said Corporation by any By-law or other Municipal regulation hereafter to be determined upon by the said Corporation, in reference to the said Water Works, to subject any proprietor, householder or other person or persons to any general water rent or tax, unless he or they be actually supplied with water, or to compel any such proprietor, householder or other person or persons to receive

the said water, or the conduits thereof, into his or their premises.

14. And be it enacted, That for the purpose of effecting the purchase of the said Water Works, as aforesaid, if it shall then be deemed expedient by the said Corporation, it shall and may be lawful for the said Corporation, on or after the completion of the purchase of the said Water Works, to issue under the hand of the Mayor, and the seal of the said Corporation, debentures or Corporation bonds, to the amount of fifty thousand pounds, current money aforesaid, payable on or before the first day of November, in the year of Our Lord, one thousand eight hundred and sixty-eight, and bearing interest, payable semi-annually, on the first days of May and November, in each and every year, and at a rate not exceeding six per centum per annum.

Corporation authorized to issue debentures or bonds to the amount of £50,000, redeemable on or before 1st November, 1868, with interest semi-annually.

15. And be it enacted, That all the revenues arising from or out of the supplying of water, or from the property, movable or immovable, connected with the said Water Works, to be acquired by the said Corporation under this Act, shall, after providing for the interest accruing on the debentures or Corporation bonds issued by the said Corporation in pursuance of this Act, and the expenses attendant upon the maintenance of the said Water Works, be applied towards the immediate extinction of the principal of the debt incurred in the purchase thereof; and the said Corporation is hereby strictly prohibited and enjoined from applying any surplus revenue arising from the Water Works to any other purpose whatsoever, until the whole of the said debt and interest shall have been fully and completely discharged and extinguished, after which such surplus revenue shall make part of the general funds of the Corporation, and may be applied accordingly.

Revenues arising from the Water Works to be applied to the payment of the principal and interest of purchase and to no other purpose until the same is paid off.

16. And be it enacted, That receipts for any interest due on all debentures or Corporation bonds that shall lawfully be issued by the authority of this Act, and which shall from time to time remain undischarged and uncancelled, as well as such debentures or Corporation bonds themselves, shall and may, after the period therein appointed for the payment

Debentures or the interest thereon may be paid to the City Treasurer in payment of any debt due the city.

of either thereof, be received and taken, by the Treasurer of the said city, from any person making payment to him upon any account or for any cause whatever, on account of the said city, and that the same shall be deemed and taken as money, and as such shall be charged against, and credited to, such Treasurer aforesaid in his accounts with the said City : Provided always, that no interest shall run or be paid upon or for any such debenture during the time such debenture or Corporation bond so paid shall remain in the hands of the Treasurer as aforesaid, but for such time the interest on every such debenture or Corporation bond shall cease.

Persons paying debentures to City Treasurer to endorse the time of payment.

17. And be it enacted, That the person or persons who shall pay any such debenture or Corporation bond so bearing interest, to the City Treasurer aforesaid, shall, at the time of

making such payment, put his, or her, or their name or names, and write thereupon in words at length, the day of the month and year in which he, she or they so paid such debenture or Corporation bond, bearing interest; all which the said City Treasurer shall take care to see done and perform accordingly; and to the day so ascertained, the said City Treasurer shall be allowed the interest which he shall have paid or allowed upon such debenture or Corporation bond in his accounts with the said city.

Punishment on persons forging, altering or issuing forged or counterfeit debentures.

18. And be it enacted, That if any person or persons shall forge, alter or counterfeit any such debenture or Corporation bond which shall be issued under the authority of this Act, and remaining uncancelled, or any stamp, endorsement or writing therein or thereon, or tender in payment any such forged, altered or counterfeit debenture or Corporation bond, or any debenture or Corporation bond with such counterfeit endorsement or writing thereon or therein, or shall demand to have such altered or counterfeit debenture or Corporation bond or any debenture or Corporation bond, with such altered or counterfeit endorsement or writing thereon or therein, exchanged for ready money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever knowing the

debenture or Corporation bond, so tendered in payment or demanded to be exchanged, or the endorsement or writing thereon or therein, to be forged and counterfeit, and with intent to defraud the said city, or the person appointed to pay off the same, or any of them, or any other person or persons, bodies politic or corporate, then every such person or persons so offending, being thereof convicted, shall be adjudged a felon, and shall be liable, at the discretion of the Court before which he, she or they may be tried, to be confined at hard labour in the Provincial Penitentiary, for any period not less than three years, or to be imprisoned in any other Prison or place of confinement for any period not exceeding two years.

19. And be it enacted, That it shall be the duty of the City Treasurer aforesaid, whenever called upon to pay or allow the interest upon any of the debentures or Corporation bonds issued under the authority of this Act, to take care to have the same endorsed on such debenture or Corporation bond at the time of payment thereof, expressing the period up to which the said interest shall have been so paid.

20. And be it enacted, That at any time after the debentures or Corporation bonds, or any of them that shall be issued under the authority of this Act, shall respectively become due according to the terms thereof, it shall and may be lawful for the Corporation aforesaid, if they shall think proper so to do, to direct a notice to be inserted in two or more of the Newspapers published in the said city, in the English and French languages, requiring all holders of the said debentures or Corporation bonds to present the same for payment, according to the conditions thereof; and if after the insertion of such notices for three months, any debentures or Corporation bonds then payable shall remain out more than six months from the first publication of such notice, all interest on such debentures or Corporation bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentment for payment.

Corporation by
notice to call in
debentures over
due, and inter-
est to stop on
debentures call-
ed in after six
months, shall
have expired.

Corporation
may call in de-
bentures before
they are made
payable, and af-
ter six months'
notice all inter-
est thereon to
be stopped.

21. And be it enacted, That whenever it shall be deemed expedient by the said Corporation to redeem the said debentures or Corporation bonds, or any of them, at any time prior to the date at which the same may be made payable, with a view to diminish the debt to be contracted in the purchase of the said Water Works, it shall and may be lawful for the said Corporation to direct a notice to be inserted in all the newspapers published in the said City of Montreal, requiring all holders of the said debentures or Corporation bonds to present the same for payment; and if after the insertion of such notice for three months, any debentures or Corporation bonds, then issued, shall remain out more than six months after the first publication of such notice, all interest on such debentures or Corporation bonds, after the expiration of the said six months, shall cease and be no further payable in respect of the time which may elapse between the expiration of the said six months, and their presentation for payment.

Corporation
not to be pre-
vented from
borrowing mo-
ney for the gen-
eral purposes of
the city, as here-
fore.

22. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to diminish the power and authority of the Corporation, aforesaid, hereafter to borrow on the credit of the said city, for the general uses and purposes of the said city, as fully and effectually as though the said city were not indebted for the purchase of the Water Works as aforesaid, or that debentures or Corporation bonds had not been issued by them for the amount or purchase thereof, or as if this Act had not been passed, any Act, Statute or Law or provision thereof to the contrary notwithstanding.

Particular state-
ments of the re-
venue and ex-
penditure of the
Water Works to
be kept and an-
nually publish-
ed.

23. And be it enacted, That the said Corporation shall be, and they are hereby required to keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said Water Works, distinct from the books and accounts relating to the other property, funds or assets belonging to the said city, and shall annually, on or after the first day of January in each and every year, cause a statement of the affairs of the said Water Works to be published in two or more of the News-

papers of the said city, in the English and French languages, wherein shall be stated, the amount of the rents, issues and profits, arising from the said Works, the number of tenants supplied with water, the extent and value of the movable and immovable property thereunto belonging, the amount of debentures or Corporation bonds then issued and remaining unredeemed and uncancelled, and the interest paid thereon, or yet due and unpaid: the expenses of collection and management, and all other contingencies, salaries of officers and servants, the cost of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may be required for the use of the said Water Works, as also the value received for any real estate that may be sold and disposed of by the said Corporation, and generally such a statement of the revenue and expenditure of the said Water Works as will at all times afford to the Citizens of the said City of Montreal, a full and complete knowledge of the state of the affairs of the said Montreal Water Works.

24. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any person or persons, Body Corporate, Politic or Collegiate, from constructing any Works for the supply of water to his or their own premises, or to prevent the Legislature of the Province at any time hereafter, from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to or obtained by the said Corporation.

25. And be it enacted, That nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Bodies Politic or Corporate, except such only as are herein mentioned.

26. And be it enacted, That if any action or suit shall be brought against any person or persons for any thing done in pursuance of this Act, the same shall be brought within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months after the doing or committing such damages,

Act not to prevent private Water Works, nor to bind the Legislature.

Rights of the Crown, &c., saved.

Limitation of actions.

shall cease, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of and under the authority of this Act; and if it shall appear to have been so done, or if any such action or suit shall be brought after the time before limited for bringing the same, then the judgment shall be entered for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit or shall suffer discontinuance of his or their action or suit, after the Defendant or Defendants shall have appeared, or if a judgment shall be entered against the Plaintiff or Plaintiffs, or if upon exceptions or otherwise, judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have treble costs, and shall have such remedy for the same, as any Defendant hath for costs of suits in other cases of law.

Treble costs.

ordinances incorporating the City of Montreal, in so far as they are not repugnant to this Act, to govern any matter required under this Act.

27. And be it enacted, That all the enactments and provisions of the Ordinance of the Governor and Special Council, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to incorporate the City and Town of Montreal*, as amended by a certain Ordinance of the Governor and Special Council aforesaid, passed for that purpose, also in the fourth year of Her present Majesty's Reign, and intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, shall, in so far as they shall not be repugnant to or inconsistent with, the express enactments and evident intent of this Act, extend to, and govern each and every act and thing required or authorized to be performed and done, under the authority of this Act, as if this Act had formed part of the said last mentioned Ordinances, or of either of them.

All Acts or provisions of law, repugnant to or inconsistent with this Act, to be repealed, except as to past transactions.

28. And be it enacted, That all Acts or Provisions of Law in force in this Province, or in any part thereof, before or up to the time when this Act shall come into force, which shall be inconsistent with, or contradictory to this Act, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matters, shall,

from and after the time when this Act shall come into force, be and they are hereby repealed, except in so far as may relate to any circumstance, act or thing occurring, done, or effected before the commencement of this Act, which shall be dealt with, adjudged upon, and determined, as if this Act had not been passed.

29. And be it enacted, That this Act shall be and is here-
by declared to be a Public Act, and shall as such be judicially
taken notice of by all Judges, Justices and other persons in
this Province, without being specially pleaded.

To be deemed a
Public Act.

(16 VICTORIA, CAP. 127.)

An Act to authorize the Mayor, Aldermen, and Citizens of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said city, and to extend and amend the provisions of any Act relating thereto.

(Sanctioned 23rd May, 1853.)

Preamble.

WHEREAS, the present supply of water for the City of Montreal, and the mode adopted for supplying the same, have been found to be insufficient; And whereas it is necessary greatly to increase that supply; And whereas the Mayor, Aldermen and Citizens of the said City of Montreal by their Petition have prayed that powers be granted them for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all and every the powers, privileges and authority of the Corporation of the said City of Montreal under the Act of the Parliament of this Province passed in the seventh year of Her Majesty's reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, shall, in so far as the same apply to the construction and extension of Water Works in the City of Montreal and the parts adja-

<sup>Provisions of 7
V. c. 44. ex-
tended.</sup>

cent thereto, be and belong to the said Corporation for the erection and construction of the Water Works constructed or erected, or intended so to be, under this Act ; and all and every the clauses of the said Act shall be held to be a portion of this Act, in every particular thereof not inconsistent with the provisions hereof.

2. And be it enacted, That for the purpose of establishing the said Water Works as aforesaid, it shall and may be lawful for the said Corporation to borrow a sum not exceeding one hundred and fifty thousand pounds sterling money of Great Britain, before or after the completion of the said Water Works, and to issue under the hand of the Mayor and the seal of the said Corporation, debentures or Corporation bonds, to the said amount of one hundred and fifty thousand pounds sterling, aforesaid, payable on or before the first day of November, in the year of our Lord, one thousand eight hundred and seventy-eight, and bearing interest, payable semi-annually, on the first days of November and May in each and every year, and at a rate not exceeding six per centum per annum ; and all such debentures may be in any form not inconsistent with this Act, and may have coupons thereunto annexed for the half yearly interest thereon, which coupons being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation ; and the possession of any such coupon by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debenture ; and all the provisions of this section shall apply as well to the debentures heretofore issued as to those to be issued after the passing of this Act ; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by the special privilege on the Water Works mentioned in the fifteenth section of the Act above cited, which said privileges shall nevertheless only rank in order next after the privilege secured to the holders of bonds

Corporation empowered to borrow £150,000 and issue debentures.

Provisions to apply to debentures already issued.

issued under the provisions of the said Act, passed in the seventh year of Her Majesty's reign, or of any Act or provision of law in amendment thereof.

*Debentures
may be payable
either within or
without the
Province, &c.*

3. And be it enacted, That any sums which the said Corporation is empowered to borrow under this Act, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid may be made payable either in this Province or elsewhere, and either in the currency of Canada, or in that of the place where the same shall be payable; and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

*Water Works
pledged for the
loan contracted
under this Act.*

4. And be it enacted, That the said Water Works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each and every of the holders of the Debentures in the last previous section mentioned shall have a concurrent pledge, mortgage, hypothec or privilege on the said Water Works and property appertaining thereto for securing the payment of the said debentures and the interest thereon.

*Corporation
may sell exist-
ing Water
Works.*

5. And be it enacted, That the said Corporation shall have power to sell, alienate, lease, and convey all or any parts of the existing Water Works and property appurtenant thereto or connected therewith, and to let and lease for life or for years, or for any number of years, any water privileges or ground therefor, belonging or appertaining to the said Corporation or which may be acquired by the said Corporation for the purposes of the said Water Works, upon such terms and conditions as to the said Corporation may appear just and expedient.

6. And be it enacted, That for and notwithstanding any thing to the contrary contained in the fifth or any other section of the said Act passed in the seventh year of Her Majesty's reign, and incorporated with this Act as aforesaid, the price or compensation to be paid by the said Corporation for or in respect of any real property to be taken or entered into by them in pursuance of the said Act or of this Act, not being within the limits of the said city, shall be ascertained, fixed and determined not by a jury, as provided by the sixtieth section of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, intituled, *An Act to amend and consolidate the provisions of 14, 15 v., c. 128, the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal*, but by appraisers to be indifferently chosen, in manner following, to wit, one by the said Corporation, another by the said person or party, and a third or umpire, only in case of difference of opinion between them, by the said two others; and in case of the person or party neglecting to choose and appoint an appraiser within four days after notice in writing to that effect served upon him by or on behalf of the said Corporation, or in case of the appraisers chosen and appointed not agreeing upon the nomination of such third or umpire, an appraiser for such party or such third shall be appointed by any of the Judges of the Superior Court residing at Montreal; and the said appraisers and third or umpire shall be sworn before such Judge before their operation, which shall be conducted in the manner provided by the law of Lower Canada for proceedings by *experts*; and they shall hear any witnesses who may be brought before them in relation to the matter of the said appraisal, the said witnesses first sworn before a Judge or a Commissioner for taking affidavits or before any one of the said appraisers; and the decision of the said two appraisers if they shall agree, or of any one of the said appraisers and the umpire shall be conclusive, notwithstanding any want or defect of form in their proceedings.

How compensation for property taken, &c., shall be fixed in case of non-agreement.

Mode of proceeding by appraisers.

Corporation may extend their works thirty miles from the city.

7. And be it enacted, That the said Corporation shall have power to extend all or any of their works for the said Water Works, to a distance not more than thirty miles from the limits of the City of Montreal: and all and every the provisions of law under the said Act in the first section of this Act mentioned, shall apply to the said extension, save and except as is herein and hereby expressly excepted.

Bridges to be built by the Corporation in certain cases.

8. And be it enacted, That if the said Corporation shall conduct the water for the supply of the said city and parts adjacent thereto under this Act, by or through a canal, the said Corporation shall have the power to lay out a road on either or both sides of the said canal, and upon the land by them acquired for the purposes thereof, of such width as the said Corporation shall deem expedient for public use or for the agricultural purposes of the proprietors through whose lands the said canal shall pass; and the Corporation shall, at their own expense, construct and maintain a good and sufficient farm bridge with a hand rail on each side thereof across the said canal, opposite, or as nearly so as possible, to the centre of the width of each farm divided in its length by the said canal, unless it shall be otherwise agreed upon in any case between them and the proprietor of any such farm.

Corporation may purchase certain property, with the consent of the owners.

9. And be it enacted, That it shall be lawful for the said Corporation to purchase and acquire, take and hold with the consent of the proprietor or other person having the right to sell or dispose of any real or immovable property intersected or divided by the line of the said canal, the rear portions of such property separated by the said canal from the residue thereof, as shall not be necessary for the purposes of the said Water Works; and it shall be lawful for the said Corporation thereafter to sell the same for the benefit of the said Water Works in the manner hereinafter mentioned.

Corporation to make fences.

10. And be it enacted, That the said Corporation shall construct and maintain, at their own expense, good and sufficient fences and ditches on each side of the land acquired by them for the purposes of the said canal, and along the lines of division between the same and the properties on either side thereof.

11. And be it enacted, That it shall be lawful for the said Corporation, and they are hereby authorized, to dredge, widen, deepen, and otherwise improve the little river, brook, or stream known as the River St. Pierre from the place where it may be reached, crossed or intersected by the said canal to its mouth, in such way and to such extent as may be necessary to adapt it to the reception and discharge of the waste or surplus water or drainage and leakage from the said canal or to make a new tail-race or discharge apart from the said little river ; and for any such purpose, as well as for the purpose of making all such and so many catchwater and off take drains as may be found necessary in connection with the said canal, or for the purpose of diverting the drainage thereof or therefrom in other directions, by themselves, their deputies, agents, workmen and servants, at any time to enter into and upon and pass and repass over, across and along any lands and premises within the said distance of thirty miles from the said city, doing as little damage as possible and paying to the owner or other occupier thereof, or person interested therein, such compensation as may be agreed upon or as may be awarded in that behalf by appraisers chosen and appointed for the purpose of ascertaining, fixing and determining the same in the manner hereinbefore provided.

12. And be it enacted, That it shall not be lawful for the said Corporation to sell or lease any real or immovable property under this Act otherwise than by public auction, to be held at some certain time and place within the said city, of which at least fifteen days' public notice shall be given, by advertisement in at least one newspaper published in the said city in the English language, and in at least one other newspaper published in the said city in the French language, which said advertisement shall be published at least six times in each of the said newspapers during the said period of fifteen days.

13. And be it enacted, That this Act shall be held to be a Public Act.

Corporation
may dredge the
little River St.
Pierre, &c., and
provide for the
carrying off of
surplus water.

In what manner
only the Corpora-
tion shall sell
any real prop-
erty under this
Act.

(19 VICTORIA, CAP. 70.)

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow a sum of fifty thousand pounds for the purpose of completing the new Water Works in the City of Montreal.

(Assented to 19th June, 1856.)

Preamble.

WHEREAS the Mayor, Aldermen and Citizens of the City of Montreal have, by their Petition, represented that, in order to complete the New Water Works, now in course of construction in the City of Montreal, a larger sum of money will be required than they have it in their power to borrow, and they have prayed to be authorized to borrow a further sum not exceeding fifty thousand pounds to be applied solely to the construction of said works: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation
may borrow
£50,000 sterling
on the security
of the Water
Works.

1. It shall and may be lawful for the said Corporation, for the purpose of completing the Water Works now in course of construction in the City of Montreal, to borrow a sum not exceeding fifty thousand pounds sterling money of Great Britain, in addition to any sum they are now authorized to borrow for the same purpose, and to issue, under the hand of the Mayor and the seal of the said Corporation, debentures or Corporation bonds, to the amount of the said sum of fifty thousand pounds sterling, payable on or before the first day of November, one thousand eight hundred and eighty-one, and bearing interest, payable semi-annually, on the first days of November and May in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be in any form not inconsistent with this Act, and may have coupons thereunto annexed, for the half-yearly

Form of deben-
tures, &c.

interest thereon, which coupons being signed by the Mayor or Treasurer of the Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the Corporation: and the possession of any such coupons by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debenture; and all such debentures, as well the interest as the principal thereof, shall be secured on the general funds of the said Corporation, as well as by special privilege on the said Water Works mentioned in the fifteenth section of the Act passed in the seventh year of Her Majesty's reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, which said privilege shall nevertheless only rank in order next after the privilege secured to the holders of bonds issued under the provisions of the said Act, or of any Act or provision of law in amendment thereof, or subsequent thereto, and prior to the passing of this Act.

2. Any sum which the said Corporation is empowered to borrow under this Act may be borrowed in this Province or elsewhere, and the principal sum and interest thereon as aforesaid may be made payable either in this Province or elsewhere, and either in the currency of Canada or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to the debentures issued by the said Corporation shall apply to those to be issued under this Act, except in so far as they may be inconsistent with this Act.

3. The said Water Works now in construction in the said City of Montreal, and also the land acquired for the purpose of the said Water Works, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation under this Act, as well as for the due and punctual payment of the interest thereupon.

To be secured
by special pri-
vilege on the
Water Work
under 7 V. c.
44, as well as on
the general
funds of the
city, but after
existing bonds.

Debentures
may be payable
in Canada or
elsewhere, and
in currency or
sterling.

Water Works,
&c., pledged for
repayment of
money bor-
rowed under
this Act.

The money may
be borrowed
under 18 V.,
c. 13.

4. It shall be lawful for the said Corporation to borrow the said sums of money under the provisions of the Act passed in the eighteenth year of Her Majesty's reign, intituled, *An Act to extend and amend the Act to establish a Consolidated Municipal Loan Fund for Upper Canada, by applying the same to Lower Canada, and for other purposes.*

(24 VICTORIA, CAP. 67.)

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal to borrow an additional sum for the purpose of completing the new Water Works in the said city, and to restrict the annual expenditure of the Council of the said city within certain limits.

(Assented to 18th May, 1861.)

WHEREAS, it is necessary for the good working of the ^{preamble} Water Works of the City of Montreal, to complete certain works and to make new ones ; and whereas the Council of the said city have, by their petition, asked for the authority they require to borrow the sum necessary for that purpose ; and whereas it is expedient to restrict the annual expenditure to be made by the said Council within certain limits : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. All the powers, privileges and authority already possessed by the Corporation of the said city, in and by the Act seventh Victoria, chapter forty-four, and by the Act sixteenth Victoria, chapter one hundred and twenty-seven, are hereby conferred upon and shall appertain to the said Corporation, in so far as they may apply to the purposes of this Act, and the same may be required for the objects hereinafter mentioned ; and each and every section of the two above cited Acts shall be held to form part of the present Act, in so far as the same may be consistent with the provisions of this Act.

Acts 7 V., c. 44
and 16 V., c. 127,
incorporated
with this Act

Corporation
may increase
the power in the
wheel-house,
and construct a
tail-race.

2. The said Corporation is hereby authorized to increase the motive power of the wheel-house by means of which the water conveyed through the newly constructed aqueduct is forced into the reservoirs of the said city, either by adding one or more wheels to the said wheel-house, or otherwise, and to construct and open, upon such site as will appear most convenient, a tail-race, by which the waste water coming from the new aqueduct into the wheel-house, may be carried into the river St. Lawrence; and for that purpose to acquire, in the manner and form and upon the conditions prescribed in and by the said Act, sixteenth Victoria, chapter one hundred and twenty-seven, all real estate, or any part thereof, which may be acquired for the construction of the said tail-race.

Corporation
may borrow
\$200,000 for
certain pur-
poses relating
to the Water
Works.

Debentures.

3. The said Corporation is hereby authorized to borrow, for the purposes mentioned in the preceding section, as also for enlarging the storage for water, for providing an additional rising main, and for completing the laying of the distribution pipes throughout the said city, a sum not exceeding two hundred thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, debentures or Corporation bonds, to the amount of two hundred thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such coupon by the Corporation, shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such de-

benture ; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Water Works of the said city, on the property to be acquired, and on the works to be made under the authority of this Act, the same being hereby specially mortgaged for the payment of the debentures, both in capital and interest ; provided however, that the aforesaid privilege and mortgage shall in no manner or way interfere with or injure the rights of holders of debentures or coupons issued in virtue of the above cited Acts, or of any Act amending the same.

Mortgage for
securing pay-
ment of prin-
cipal and in-
terest."

4. The amount which the said Corporation is empowered to borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

How and where
debentures may
be made pay-
able.

5. From and after the civic year, which shall commence for the said city on the first day of February, one thousand eight hundred and sixty-two, it shall be the duty of the Council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the current year, by providing—

Yearly approp-
riations to be
made by the
City Council.

1. For the payment of the interest, and sums required for the Sinking Fund on the debt due by the said city :
2. For the general and ordinary expenses of the city :
3. For the sums required for contemplated improvements :
4. For a reserve of not less than five per centum to meet unforeseen expenditure :

Such appropriation shall never exceed the amount of the ^{Appropriations}_{limited.} receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

*Council to limit
the city expend-
iture to the said
appropriations,
&c.*

6. It shall not be lawful for the said Council to expend beyond the amount so appropriated and the amount of the other sums at their disposal out of the receipts of the current year, except in cases and under the conditions hereinafter set forth : but the Council may at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure.

*Penalty on
Councillors
authorizing
any excess.*

7. The Mayor and Councillors who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with the foregoing sections, shall alone be personally responsible therefor.

*Except in cases
of urgent neces-
sity, &c., on im-
posing a special
tax, &c.*

8. In cases of urgent necessity, the said Council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said city.

*Inconsistent
enactments
repealed.*

9. All the provisions of any law inconsistent with the provisions of this Act shall be and the same are hereby repealed.

Public Act.

10. This Act shall be held and taken as a Public Act.

(25 VICTORIA, CAP. 44.)

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow certain sums of money for drainage and other purposes therein mentioned.

(Assented to 9th June, 1862.)

WHEREAS it is necessary to provide means for the more ^{Preamble.} effectual drainage of certain sections of the City of Montreal, where serious danger is apprehended to the lives of the inhabitants of the said city; and whereas it is expedient to establish an Electric Fire-alarm Telegraph in the said city, the more effectually to guard against accidents by fire, and to subserve also the purposes of the Police and Water departments; and whereas the Council of the said city have, by their petition, asked for the authority they require, to borrow the sums necessary for the purposes above referred to, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For the purpose of draining the localities above referred to, and also to assist the said Corporation in making the improvements and street repairs that may be required in the said city, during the present year, the said Corporation is hereby authorized to borrow a sum not exceeding one hundred and seventy-five thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, debentures or Corporation bonds, to the amount of one hundred and seventy-five thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof, respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such

<sup>Loan of \$175,000
authorized for
drainage.</sup>

^{Debentures.}

Coupons. debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient ; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which *coupons*, being signed by the Mayor or Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation ; and the possession of any such *coupons* by the Corporation shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debentures ; and all such debentures, the interest as well as the principal thereof, are and shall be secured on the general funds of the said Corporation.

How secured. Loan of \$20,000 authorized for City Telegraph. 2. For the purpose of constructing and establishing a City Electric Telegraph as aforesaid, it shall be lawful for the said Corporation to effect a special loan of twenty thousand dollars, to be designated the "City Telegraph Loan," and to issue,

Debentures. under the hand of the Mayor and the seal of the Corporation, debentures or Corporation bonds to the amount of twenty thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum ; and all such debentures shall be headed with the words or title "The City Telegraph Loan," to designate the object and purpose for which they shall be issued ; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient ; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which *coupons* being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation ; and the possession of any such *coupons* by the Corporation shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debenture ; and all

Coupons.

such debentures, and as well the interest as the principal How secured. thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the works and apparatus to be constructed and established by means thereof.

3. The amount which the said Corporation is empowered How and where debentures may be made payable. to borrow by the two preceding sections, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

4. And whereas the said Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, under the authority of an Act of the Provincial Legislature, passed in the twelfth year of Her Majesty's reign, intituled, *An Act further to amend an Act incorporating the St. Lawrence and Atlantic Railroad Company,* and with a view to promote the speedy completion of the said road, subscribed for five thousand shares of the stock of the said St. Lawrence and Atlantic Railroad Company, the said shares representing a capital of one hundred and twenty-five thousand pounds, for which the said Corporation issued their bonds or debentures, as a loan in favour of the said Company, payable as follows, viz :

1. Twenty-five thousand pounds on the first of March, one thousand eight hundred and fifty-seven ;
2. Twenty-five thousand pounds on the first of June, one thousand eight hundred and fifty-nine ;
3. Twenty-five thousand pounds on the first of October, one thousand eight hundred and sixty-one ;
4. Twenty-five thousand pounds on the first of October, one thousand eight hundred and sixty-three ;
5. Twenty-five thousand pounds on the first of September, one thousand eight hundred and sixty-five :

Recital of loan to St. Lawrence and Atlantic R.R. Company.

16 V., c. 39. And whereas an Act was passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned, incorporating Railway Companies;* and whereas under the powers and provisions of the hereinbefore last cited Act, the said St. Lawrence and Atlantic Railroad Company has been united with and incorporated into the Grand Trunk Railway Company, under the name of "The Grand Trunk Railway Company of Canada," upon certain terms and conditions embodied in an agreement made and passed between the Directors of the said St. Lawrence and Atlantic Railroad Company, and the said Grand Trunk Railway Company, bearing date the twelfth day of April, one thousand eight hundred and fifty-three, and which agreement has since been ratified and confirmed by an Act passed in the

18 V., c. 33. eighteenth year of Her Majesty's reign, intituled, *An Act to amend the Acts relating to the Grand Trunk Railway Company of Canada;* and whereas the said Grand Trunk Railway Company have, by the said amalgamation and by the said agreement of the twelfth of April, one thousand eight hundred and fifty-three, assumed and become responsible for all the liabilities and debts of the said St. Lawrence and Atlantic Railroad Company, including the payment of the bonds or debentures hereinbefore referred to; and whereas the said Grand Trunk Railway Company have, by virtue of the said amalgamation and of the said agreement, paid and redeemed the first and second instalments of the said bonds or debentures, amounting to twenty-five thousand pounds each, and respectively due on the first of March, one thousand eight hundred and fifty-seven, and first of June, one thousand eight hundred and fifty-nine, as aforesaid; and whereas the said Grand Trunk Railway Company have failed to meet the payment of the third instalment of the said bonds or debentures, due on the first of October last past, as well as the interest accrued on the said bonds or debentures since

the first day of March, one thousand eight hundred and sixty-one; and whereas there is reason to believe the said Grand Trunk Railway Company may not meet or redeem the payment of the balance due as aforesaid, or to be due on the said bonds or debentures at the period and periods fixed for such payment and redemption; and whereas the said Corporation have no funds at their disposal with which to meet or redeem the payment of the said bonds or debentures at maturity, and it is expedient that some provisions should be made to enable the said Corporation to take up or redeem the said bonds or debentures at their maturity, in the event of the said Grand Trunk Railway Company failing to do so:—Therefore, for the purpose of enabling the said Corporation to pay the instalment due as aforesaid on the first of September, one thousand eight hundred and sixty-one, on the said bonds or debentures, and also the last two instalments thereof, to be respectively due as aforesaid, on the first of October, one thousand eight hundred and sixty-three, and the first of September, one thousand eight hundred and sixty-five, and the interest thereon, if not previously redeemed by the said Grand Trunk Railway Company, the said Corporation may and they are hereby authorized to borrow a sum of three hundred and fifty thousand dollars, and to issue, under the hand of the Mayor and the seal of the said Corporation, debentures or bonds, payable twenty years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November, in each and every year, and at a rate not exceeding six per centum; and all such debentures or bonds may be issued from time to time, at such periods, and for such amounts as may be deemed necessary, and they **may** have *coupons* annexed to them, in the same manner and form as the bonds or debentures referred to and authorized to be issued by the first and second sections of this Act, and generally all the provisions of the first, second and third sections of this Act, as to the debentures to be issued under the authority of the same, shall apply to the debentures or bonds to be issued under the present section, except only in **so far** as they **may** be inconsistent with the present

Loan of \$350,000
authorized, to
pay off remain-
der of the said
loan, if not re-
deemed by
Grand Trunk
Railway Com-
pany.

Debentures,
and what pro-
visions shall
apply to them.

Proviso.

section ; Provided, however, that nothing herein contained shall in any way interfere with, alter or affect any right or claim which the said Corporation may have or possess against the said Grand Trunk Railway Company of Canada, as regards the payment of the original bonds or debentures granted by the said Corporation to the said St. Lawrence and Atlantic Railroad Company as aforesaid, and that the obligation to redeem the said bonds or debentures, and interest thereon, at maturity, assumed by the said Grand Trunk Railway Company, as aforesaid, shall continue to have its full effect and remain in force, notwithstanding any thing contained in the present Act ; Provided, also, that nothing in this section shall be construed to exempt or relieve the said Grand Trunk Railway Company from any of the liabilities incurred or assumed by them, in regard to the payment of the said bonds or debentures, by the amalgamation of the said Grand Trunk Railway Company with the said St. Lawrence and Atlantic Railroad Company as aforesaid, and the agreement entered into, as aforesaid, between those two Companies on the twelfth of April, one thousand eight hundred and fifty-three.

Inconsistent enactments repealed.

Prov. Act.

5. All the provisions of any law inconsistent with the provisions of this Act shall be and the same are hereby repealed.

6. This Act shall be held to be a Public Act.

(18 VICTORIA, CAP. 142.)

An Act to transfer to the City of Montreal, all the property, rights and privileges heretofore enjoyed by the Wardens of the House of Industry, in the City of Montreal, and for other purposes.

(Assented to 19th May, 1855.)

WHEREAS by an Act of the Legislature of Lower Canada, passed in the fifty-eighth year of the reign of King George the Third, intituled, *An Act to establish a House of Industry in the City of Montreal*, a corporation and body politic and corporate by the name of *the Wardens of the House of Industry in the City of Montreal*, was erected and established for carrying into effect the last will and testament of the late John Conrad Marsteller, who died on the seventeenth day of May, one thousand eight hundred and eight, having by his said will bequeathed certain real and immovable estates, and the rest, residue and remainder of all and every his estate, property and effects, after payment of his debts and legacies, for the purpose of establishing in the said City of Montreal, a House of Industry; and whereas the said Corporation so established hath been found ineffectual for the proper establishment and management of the said House of Industry, and the benevolent intentions of the said John Conrad Marsteller in bequeathing the aforesaid estate and property are thereby likely to be defeated, unless the control and direction of the affairs of the said House of Industry be transferred to and vested in other management; And whereas by the joint petition of the said Wardens of the said House of Industry and of the Corporation known as *The Mayor, Aldermen and Citizens of the City of Montreal*, it is prayed that the powers, rights and privileges conferred on

the said Wardens by the aforesaid Act, as well as the property, estate, chattels and effects of the said House of Industry so incorporated, may be transferred to and made to vest in the said Corporation, known as *The Mayor, Aldermen and Citizens of the City of Montreal*, and the entire management and control thereof in future be confided to them, and that such further powers may be granted to them for the making of By-laws and the appointment of overseers and other officers for the well governing and management of the said House of Industry and of the estate and property thereof, as may by them be deemed necessary effectually to carry out the object of the late John Conrad Marsteller, as expressed in his said will: And whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property will be more effectually accomplished by such transfer of the said estate, property and effects to the said Mayor, Aldermen and Citizens of the City of Montreal: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

The said Act,
and the 7th Geo.
IV, c. 4, and
Geo. IV, c. 43,
amending it,
repealed.

1. From and after the passing of this Act, the said Act of the Parliament of Lower Canada, passed in the fifty-eighth year of the reign of King George the Third, chapter fifteen, and the several Acts of the said Parliament of Lower Canada amending the same, passed in the second year of the reign of King George the Fourth, in the seventh year and in the ninth year of the said reign, shall be and the same are hereby repealed.

Property now
held for the
said Institution
transferred to
the Corporation
of Montreal.

2. From and after the passing of this Act, the real or immovable estates, and the rest, residue and remainder of all and every the estates, property and effects, after the payment of his just debts and legacies, left by the said late John

Conrad Marsteller under and by virtue of his said last will and testament, for the purpose of establishing in the said City of Montreal a House of Industry, and all and every the real and personal estate, property, chattels and effects in any way belonging and pertaining to the said Corporation or body politic and corporate, known as *The Wardens of the House of Industry in the City of Montreal*, in the hands and possession of whomsoever the same may be, shall vest in and become and be the property of the said Mayor, Aldermen and Citizens of the City of Montreal, for the purpose of sustaining and keeping up in the said City of Montreal a House of Industry, as contemplated and provided for by the said will of the said late John Conrad Marsteller : and the said Mayor, Aldermen and Citizens of the City of Montreal shall and may take and claim, and if necessary, sue for and recover the same, of and from the said Wardens and every of them, and of and from every other person or persons in whose possession the same or any part thereof is, may be, or be found.

Powers of the Corporation as to such property.

3. The said Mayor, Aldermen and Citizens of the City of Montreal, are hereby authorized and empowered to establish, sustain and keep up a House of Industry in the said City of Montreal, and to use and apply the property, estates, moneys, chattels and effects by this Act declared to be vested in and to become the property of the said Mayor, Aldermen and Citizens of the City of Montreal, for the purpose of establishing, sustaining and keeping up the said House of Industry, and from time to time to make and pass such By-laws, Rules and Regulations for the management and direction of the said House of Industry, as they may think fit, provided the same are not repugnant to the laws in force in this Province ; and from time to time to appoint, discharge and re-appoint such overseers and other officers as they may deem it necessary to appoint for the management of the said House of Industry.

Corporation empowered to establish and maintain a House of Industry in the city, and to make By-laws for its government.

4. The said Mayor, Aldermen and Citizens of the City of Montreal, at all times hereafter, shall and may have power and authority to purchase, take, acquire and hold by will, gift or otherwise, lands, tenements, real and immovable

Corporation to have power to acquire and hold property for the purposes of the Institution.

estates, rents, usufructs, servitudes and hereditaments, and to erect houses and buildings thereon for the use and purposes of the said House of Industry in the City of Montreal, and shall also have power and authority at all times hereafter, to sell and dispose of the real and immovable estate by this Act vested in the said Mayor, Aldermen and Citizens of the City of Montreal, or which may be hereafter purchased or acquired by them for the purposes of the said House of Industry; but in case the said Mayor, Aldermen and Citizens of the City of Montreal, shall so sell and dispose thereof, or of any part thereof, they shall, as soon as may be convenient thereafter, apply the proceeds thereof to the purposes of the said Institution, by the purchase of other lands and tenements, real or immovable estate, more fit and proper for promoting the permanent establishment thereof.

*And to alienate
the same and
acquire other
property.*

Public Act.

5. This Act shall be deemed a Public Act.

(24 VICTORIA, CAP. 84.)

An Act to incorporate the Montreal City Passenger Railway Company.

(Assented to 18th May, 1861.)

WHEREAS the persons hereinafter named have, by Preamble to their petition, prayed that they may be incorporated under the title of "The Montreal City Passenger Railway Company," for the purpose of constructing and operating Street Railways in the City and Parish of Montreal : And whereas it is expedient to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. William Molson, John Ostell, William Dow, Johnston Thomson, William Macdonald, John Carter, Thomas Ryan, ^{Incorporation of the Company.}

William E. Phillips, and such other persons as shall become shareholders of the said Company, are hereby constituted a body corporate and politic, for the purposes herein mentioned, by the name of "The Montreal City Passenger Railway Company of Montreal."

2. The capital stock of the Company shall be three hundred thousand dollars, in shares of fifty dollars each.

3. The Company may commence operations and exercise ^{When the Company may commence.} the powers hereby granted so soon as one hundred thousand dollars of the capital stock shall be subscribed, and twenty per cent. thereon paid up.

4. The Company are hereby authorized and empowered to construct, complete, maintain, and from time to time remove and change, a double or single track iron railway, with the necessary side tracks, switches and turn-outs, and other appliances, for the passage of cars, carriages and other vehicles and particularly those adapted to the same, upon and

along any of the streets in the City of Montreal, mentioned in the By-law of the Corporation of the City of Montreal, numbered two hundred and sixty-five, and in conformity with the said By-law, and upon and along any other streets in the said city which they may be authorized to pass along by any subsequent By-law of the said Corporation, and with the divisions and subject to the limitations set forth and provided by the said By-law, or by any such subsequent By-law, and upon and along the highways in the Parish of Montreal, leading into the said streets and contiguous thereto, or any of them ; and to take, transport and carry passengers upon the same, and to construct and maintain all necessary works, buildings and conveniences therewith connected ; and to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their railway track and the laying of the rails and the running of their cars and carriages ; but the Company shall not be permitted to use steam power upon the said railway.

Not to use steam power.

Railway to be flush with the streets.

5. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said streets and highways ; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the Company ; and in all cases, any carriage or vehicle on the track shall give place to the cars by turning off the track.

Board of Directors.

Qualification.

Election.

6. The affairs of the Company shall be under the control of and shall be managed and conducted by a Board to consist of five Directors, each of whom shall be a stockholder to an amount of not less than five hundred dollars, and shall be elected on the first Wednesday of November of every year at the office of the Company ; and all such elections shall be by ballot, by plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy ; and the Directors so chosen shall, as soon as may be, elect one of their number to be Pre-

May use the streets and highways, subject to the By-law on the subject.

sident, which President and Directors shall continue in office one year and until others shall be chosen to fill their places; and, if any vacancy shall at any time happen of the President Vacancies. or Directors, the remaining Directors shall supply such vacancy for the remainder of the year.

7. The said William Molson, John Ostell, William Dow, First Directors. Johnston Thomson, and William Macdonald, shall be the first Directors of the Company, and shall severally hold their offices till the first Wednesday of November next after the Company goes into operation.

8. The Directors of the Company shall have full power and authority to make, amend, repeal and re-enact all such By-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the entering into arrangements and contracts with the said city or the adjoining municipalities, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of stock certificates, and the transfer of shares, the calling of special and general meetings of the Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen, and servants of the Company, the fares to be received from persons transported over the railway or any part thereof, and in general to do all things that may be necessary to carry out the objects, and exercise the powers incident to the Company.

9. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by By-law direct.

10. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved; but the stockholders may hold the election on any other day in the manner provided for by any By-law passed for that purpose; and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company.

Directors to make By-laws for certain purposes.

General powers.

Stock deemed personal estate.

Company not dissolved for want of election.

Power to acquire real estate.

Power to borrow \$100,000 upon Debentures.

Proviso.

The city and adjoining municipalities may agree with the Company as to certain matters

City and municipalities may pass By-laws for giving effect to such agreement.

11. The Company may purchase, lease, hold, acquire and transfer all real or personal estate necessary for carrying on the operations of the Company.

12. The Directors of the Company may, from time to time, raise or borrow, for the purposes of the Company, any sum or sums not exceeding in the whole, one hundred thousand dollars by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and income of the Company or any part thereof, for the re-payment of the moneys so raised or borrowed and the interest thereon : Provided always, that the consent of three-fourths in value of the stockholders of the Company, shall be first had and obtained at a special meeting to be called and held for that purpose.

13. The said city and the adjoining municipalities or any of them, and the said Company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said railway, for the paving, macadamising, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways—the location of the railway and the particular streets along which the same shall be laid—the pattern of rail—the time and speed of running of the cars—the amount of license to be paid by the Company annually—the amount of fares to be paid by passengers—the time within which the works are to be commenced—the manner of proceeding with the same and the time for completion—and generally for the safety and convenience of passengers—the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic.

14. The said By-law number two hundred and sixty-five of the Corporation of the City of Montreal is hereby confirmed, and the provisions thereof shall be binding upon the said Corporation and upon the said Company to the same extent as if the same were incorporated into this Act ; and the said

city and the said municipalities are hereby authorized to pass any further By-law or By-laws, and to amend, repeal and enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations, for the conduct of all parties concerned, and for the adjoining obedience thereto,—and also for facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass: Provided also, that no such further By-law or By-laws shall infringe upon the privileges granted to the said Company by the said By-law, number two hundred and sixty-five, and by this Act.

15. This Act shall be deemed a Public Act.

Public Act

ACTS RELATING TO
THE RECORDER'S COURT.

CONSOLIDATED STATUTES—CANADA.

(CHAPTER 105.)

An Act respecting the prompt and summary administration of Criminal Justice in certain cases.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power to Recorders to try persons guilty of larceny to an amount not exceeding one dollar, &c.

1. Where any person is charged before the Recorder of any city with having committed—
 1. Simple larceny, and the value of the whole of the property alleged to have been stolen does not in the judgment of such Recorder exceed one dollar; or
 2. With having attempted to commit larceny from the person; or
 3. With simple larceny; or
 4. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person; or
 5. With having committed an assault upon any female whatever, or upon any male child whose age does not in the opinion of such Recorder exceed fourteen years, such assault being of a nature which cannot in the opinion of the Recorder be sufficiently punished by a summary conviction before him under any other act, and such assault if upon a female not amounting in his opinion to an assault with intent to commit a rape; or

6. With having assaulted any magistrate, bailiff, or constable, or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or

7. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame, or bawdy house:

Such Recorder may hear and determine the charge in a summary way. 20 V., c. 27, s. 1.—22 V., c. 27, s. 1, (1858).

2. Whenever the Recorder before whom any person is charged as aforesaid proposes to dispose of the case summarily under the provisions of this Act, such Recorder, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and if it is in the election of the person charged, shall then say to him these words, or words to the like effect: Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*noting the Court at which it could soonest be tried*);” and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if it is a case not within the election of the person charged, the Recorder shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge:

3. If the person charged confesses the charge, the Recorder shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act, in respect to such offence; but if the person charged says that he is not guilty, the Recorder shall then examine the witnesses for the prosecution, and when the examination has been completed, the Recorder shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence, the Recorder shall hear such defence, and shall then proceed to dispose of the case summarily. 22 V., c. 27, s. 3.

4. In the case of larceny charged under the first, second If convicted.

Accused to be asked whether he consents to the charge being tried summarily.

If he consents:

And admits his guilt;

or if he pleads not guilty.

Punishment.

or third sub-sections of the first section of this Act, if the Recorder, after hearing the whole case for the prosecution and for the defence, finds the charge proved, then such Recorder shall convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any period not exceeding three months. 20 V., c. 27, s. 1.

Form of conviction, &c.

5. Every such conviction and certificate respectively may be in the forms A and B, in this Act, or to the like effect. 20 V., c. 27, s. 1.

If not proved, the case to be dismissed.

6. If in any case the Recorder finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal. 20 V., c. 27, s. 1.

When the case may be dealt with in the ordinary way.

7. When being in the election of the person charged he does not consent to have the case heard and determined by the Recorder, or in any case if it appears to the Recorder that the offence is one which, owing to a previous conviction of the person charged, is by law a felony, or if such Recorder be of opinion that the charge is, from any other circumstances fit to be made the subject of prosecution by indictment rather than to be disposed of summarily, such Recorder shall deal with the case in all respects as if this Act had not been passed. 20 V., c. 27, s. 1,—22 V., c. 27, s. 3.

When the Recorder may dismiss the case without convicting.

8. If upon the hearing of the charge such Recorder is of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he may dismiss the person charged without proceeding to a conviction. 20 V., c. 27, s. 1,—22 V., c. 27, s. 2, No. 5.

How Recorder to proceed when certain larcenies exceeding one dollar are deemed fit to be dealt with summarily.

9. Where any person is charged before any Recorder with simple larceny of property exceeding in value one dollar, or with stealing from the person, or with larceny as a clerk or servant, and the evidence in support of the prosecution is in the opinion of the Recorder sufficient to put the person charged on his trial for the offence charged, such Recorder, if the case appear to him to be one which may properly be disposed of in a summary way, and may be

adequately punished by virtue of the powers of this Act, shall reduce the charge into writing, and shall read it to the said person, and shall then explain to him that he is not obliged to plead or answer before such Recorder at all, and that if he do not plead or answer before him, he will be committed for trial in the usual course. 20 V., c. 27, s. 3.

10. The Recorder shall then ask whether he is guilty or not of the charge, and if such person says that he is guilty, such Recorder shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of the offence, and commit him to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for any term not exceeding six months, and every such conviction may be in the form C, or to the like effect. 20 V., c. 27, s. 3.

11. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by counsel or attorney. 20 V., c. 27, s. 4.

12. The Recorder before whom any person is charged under this Act, may by summons require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons; and such Recorder may bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; And in case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first made of such persons having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the Recorder before whom such person ought to have attended may issue a warrant to compel his appearance as a witness. 22 V., c. 27, s. 4.

13. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of

such party's usual place of abode ; and every person so required by any writing under the hand of any Recorder to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. 22 V., c. 27, s. 5.

When the consent of the party charged to be tried by the Recorder not requisite.

14. The jurisdiction of the Recorder in the case of any person charged, within the police limits of any city in this Province, with therein keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill fame or bawdy house, shall be absolute, and shall not depend on the consent of the party charged to be tried by such Recorder, nor shall such party be asked whether he consents to be so tried. 22 V., c. 27, s. 2, No. 1.

When consent to be so tried not necessary in the case of seafaring men.

15. The jurisdiction of the Recorder shall also be absolute in the case of any person, being a seafaring person and only transiently in this Province, and having no permanent domicile therein, charged, either within the City of Quebec as limited for the purposes of the Police ordinance, or within the City of Montreal as so limited, with the commission therein of any other of the offences mentioned in the last preceding section, and such jurisdiction shall not depend on the consent of any such party to be tried by the Recorder, nor shall such party be asked whether he consents to be so tried. 22 V., c. 27, s. 2, No. 2.—*See 2 V., c. 2, L. C.*

Punishment in cases summarily tried under the 4th to the 7th subsections of section one.

Levying fine.

Imprisonment if not paid.

16. In any case summarily tried under the fourth, fifth, sixth or seventh sub-sections of the first section of this Act, if the Recorder finds the charge proved, he may convict the person charged and commit him to the Common Gaol or House of Correction, there to be imprisoned with or without hard labour for any period not exceeding six months, or may condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment, not exceeding the said period and sum ; and such fine may be levied by warrant of distress under the hand and seal of such Recorder, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol, for a further period not exceeding six months unless such fine be sooner paid. 22 V., c. 27, s. 2, No. 3.

17. In such cases as last aforesaid, the forms given at the end of this Act, shall be altered by omitting the words ^{Form may be altered to suit the last section} stating the consent of the party to be tried before the Recorder, and by adding the requisite words stating the fine imposed (if any) and the imprisonment (if any) to which the party convicted is to be subject if the fine be not sooner paid. 22 V., c. 27, s. 2, No. 4.

18. Where any person is charged before any Justice or Justices of the Peace, with any offence mentioned in this Act, and in the opinion of such Justice or Justices, the case may be proper to be disposed of by a Recorder, or by an Inspector and Superintendent of the Police, or by a Police Magistrate, as herein provided, the Justice or Justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the Recorder or before the Inspector and Superintendent of the Police of the nearest city, or before the nearest Police Magistrate, in like manner in all respects as a Justice or Justices are authorized to remand a party accused under the general Act respecting the duties of Justices of the Peace out of sessions in like cases. 20 V., c. 27, s. 5.

19. No Justice or Justices of the Peace in Upper Canada, shall so remand any person for further examination before any Recorder, Inspector and Superintendent of Police, or Police Magistrate in Lower Canada, nor shall any Justice or Justices of the Peace in Lower Canada so remand any person for further examination before any Recorder or Police Magistrate in Upper Canada. 20 V., c. 27, s. 5.

20. Any person so remanded for further examination before the Recorder of any city, may be examined and dealt with by the Inspector and Superintendent of the Police or Police Magistrate of the same city; and any person so remanded for further examination before the Inspector and Superintendent of the Police or the Police Magistrate of any city, may be examined and dealt with by the Recorder of the same city. 20 V., c. 27, s. 5.

21. If any person suffered to go at large upon entering proceedings if party remanded into such recognizance as the Justice or Justices are authorized to appear

pursuant to re-
cognizance. rized under the last mentioned Act to take, on the remand of
a party accused conditioned for his appearance before a Recorder under the preceding sections of this Act, does not afterwards appear pursuant to such recognizance, then the Recorder before whom he ought to have appeared shall certify (under his hand) on the back of the recognizance, to the Clerk of the Peace of the District in Lower Canada, or County or Union of Counties in Upper Canada, the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of such non-appearance. 20 V., c. 27, s. 6.

*Convictions
and other pro-
ceedings under
this Act to be
returned to
Q. S.*

22. The Recorder adjudicating under this Act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next Court of Quarter Sessions for the District in Lower Canada, or the County or union of Counties in Upper Canada, there to be kept by the proper officer among the records of the Court. 20 V., c. 27, s. 7.

*Copy of such
conviction to
be evidence.*

23. A copy of such conviction, or of such certificate of dismissal, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceeding whatever. 20 V., c. 27, s. 7.

*Restitution of
the property
stolen may be
ordered.*

24. The Recorder, by whom any person has been convicted under this Act, may order restitution of the property stolen, taken or obtained by false pretences, in those cases in which the Court, before whom the person convicted would have been tried but for this Act, might by law order restitution. 20 V., c. 27, s. 8.

*Recorder's
Court to be an
open public
Court.*

25. Every Recorder's Court, for the purposes of this Act, shall be an open public Court; and a written or printed notice of the day and hour for holding such Court, shall be posted or affixed by the Clerk of the said Court upon the outside of some conspicuous part of the building or place where the same is held. 20 V., c. 27, s. 9.

26. The provisions of the Act respecting the duties of Justices of the Peace out of session, in relation to summary convictions and orders, and the provisions of the Act respecting the duties of Justices of the Peace out of sessions in relation to persons charged with indictable offences, shall not be construed as applying to any proceeding under this Act. 20 V., c. 27, s. 10.

27. Every conviction by a Recorder under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture. 20 V., c. 27, s. 11.

28. Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause. 20 V., c. 27, s. 12.

29. No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same. 20 V., c. 27, s. 13.

30. The Inspector and Superintendent of Police for the City of Quebec, the Inspector and Superintendent of Police for the City of Montreal, and the Police Magistrate for any city in Upper Canada, sitting in open Court, may respectively, in the case of persons charged before them, do all acts by this Act authorized to be done by Recorders; and all the provisions of this Act referring to Recorders and Recorders' Courts and the Clerks of the Recorders' Courts, shall be read and construed also as referring to such Inspectors and Superintendents of the Police and Police Magistrates and the Courts and the Clerks of the Courts held by them respectively, and as giving them full power to do all acts authorized to be done by Recorders in the case of persons charged before them respectively. 20 V., c. 27, s. 14.

31. All the jurisdiction and powers vested in the Recorder of any city are hereby conferred upon and vested in any two or more Justices of the Peace for any district in Lower

The Acts respecting duties of J. P's, not to apply to proceedings under this Act.

Effect of conviction under this Act.

A certificate of dismissal or a conviction, a bar to further proceedings.

Convictions &c., not to be quashed for want of form.

Jurisdiction of Recorders extended to Inspectors of Police and Police Magistrates.

Powers of Recorder vested in two J. Ps., or in Sheriffs, &c., in L. C.

Canada when present at the *chef-lieu* thereof, and there sitting in open Court, and upon and in the Sheriff of any district in Lower Canada, (other than the Districts of Quebec and Montreal,) and upon and in any Deputy Sheriff in the District of Gaspé, sitting in open Court; But the jurisdiction and powers aforesaid shall not be exercised by any two or more Justices of the Peace or Sheriff in any new district until such district has been established as such for all purposes of the administration of justice in criminal as well as civil matters, under a proclamation of the Governor to that effect. 22 V., c. 27, ss. 6, 10.

Sheriffs exercising jurisdiction as aforesaid to be attended by certain officers.

32. The Sheriffs of such districts as aforesaid in Lower Canada, or any Deputy Sheriff in the District of Gaspé, when sitting or acting under the provisions of this Act, shall be assisted, attended and obeyed by the Clerk of the Peace, Bailiffs, Constables and other Officers of such districts respectively, in the same manner as Justices of the Peace in and for the said districts respectively, would be attended, assisted and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace for each such district shall be and act as the Clerk of the Court of the Sheriff of such district under the provisions of this Act and of the Act hereby amended. 22 V., c. 27, s. 7.

Recorders of Quebec and Montreal declared to be J. P.s.

33. The Recorders of the Cities of Quebec and Montreal respectively, have been and are, by virtue of their offices, Justices of the Peace for the judicial districts in which the said cities are respectively situate, and vested with all the powers and authorities, within the limits of their respective jurisdictions, of any one or two Justices of the Peace, as the case may require. 22 V., c. 27, s. 9.

This Act not to extend to Act respecting juvenile offenders.

34. Nothing in this Act shall affect the provisions of the Act, *Respecting the Trial and Punishment of Juvenile offenders*; and this Act shall not extend to persons punishable under that Act, so far as regards offences for which such persons may be punished thereunder. 20 V., c. 27, s. 15.

Payment and application of fines.

35. Every fine imposed under the authority of this Act shall be paid to the Recorder, Superintendent of Police, Sheriff, Deputy Sheriff or Justice of the Peace, who has

imposed the same, or to the Clerk of the Recorder's Court or Clerk of the Peace, as the case may be, and shall be by him or them paid over to the County Treasurer for county purposes if it has been imposed in Upper Canada,—and if it has been imposed in any new district in Lower Canada constituted by any Act of the session held in 1857, or passed in any subsequent session, then to the Sheriff of such district as treasurer of the Building and Jury Fund for such district, to form part of the said fund,—and if it has been imposed in any other district in Lower Canada, then to the Prothonotary of such district to be by him applied under the direction of the Governor in Council, towards the keeping in repair of the Court House in such district, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such district, so long as such fees shall be collected to defray the cost of such erection. 22 V., c. 27, s. 8.

36. In the interpretation of this Act "property" shall be construed to include every thing included under the words "chattel, money, or valuable security," as used in the Act respecting offences against Person and Property; and in case of any "valuable security," the value of the share, interest or deposit to which the security may relate, or of the money due thereon, or secured thereby, and remaining unsatisfied, or of the goods or other valuable thing mentioned in the warrant or order, shall be deemed to be the value of such security. 20 V., c. 27, s. 16.

Interpretation
of words.

FORM (A). *See s. 5.*

CONVICTION.

To wit : , }

Be it remembered that on the day of , in the year of our Lord , at , A. B., being charged before me the undersigned , of the said city, and consenting to my deciding upon the charge summarily, is convicted before me, for that he the said A. B., &c., (*stating the offence, and the time and place when and where committed*) ; and I adjudge the said A. B., for his said offence, to be imprisoned in the (and there kept to hard labour) for the space of

Given under my hand and seal, the day and year first above mentioned, at aforesaid.

J. S. [L. S.]

FORM (B). *See s. 5.*

CERTIFICATE OF DISMISSAL.

To wit : , }

I, the undersigned, , of the City of , certify that on the day of in the year of our Lord , at aforesaid, A. B., being charged before me and consenting to my deciding upon the charge summarily, for that he the

said A. B., &c., (*stating the offence charged, and the time and place when and where alleged to have been committed,*) I did, having summarily adjudicated thereon, dismiss the said charge.

Given under my hand and seal, this
day of _____, at _____ aforesaid.

J. S. [L. S.]

FORM (C). *See s. 10.*

CONVICTION UPON A PLEA OF GUILTY.

To wit: {

Be it remembered that on the _____ day of _____, in the year of our Lord _____, at _____, A. B., being charged before me the undersigned _____, of the said city, for that he the said A. B., &c., (*stating the offence, and the time and place when and where committed,*) and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him the said A. B., for his said offence, to be imprisoned in the (and there kept to hard labour) for the space of

Given under my hand and seal, the day and year first above mentioned, at _____ aforesaid.

J. S. [L. S.]

CONSOLIDATED STATUTES—CANADA.

(CHAPTER 106.)

An Act respecting the Trial and Punishment
of Juvenile Offenders.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Persons of not more than 16 years of age, committing certain offences, may be summarily convicted by two Justices.

1. Every person charged with having committed or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which is simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence does not, in the opinion of the Justice before whom he is brought or appears as hereinafter mentioned, exceed the age of sixteen years, shall, upon conviction thereof, in open Court, upon his own confession or upon proof, before two or more Justices of the Peace for any district in Lower Canada, or city, county, or union of counties in Upper Canada, be committed to the Common Gaol or House of Correction within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding twenty dollars, as the said Justices may adjudge. 20 V., c. 29, s. 1.

If offence not proved, case to be dismissed.

2. If such Justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged on finding surety for his future good behaviour, or without sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal. 25 V., c. 29, s. 1.

Form of certificate.

3. Such certificate shall be in the form or to the effect set forth in the form following :

, } We, , of Her Majesty's Justices
 To wit: } of the Peace for the , of ,
 (or if a Recorder, &c., under section seven, I, a ,
 of the , of , as the case may be) do hereby
 certify, that on the day of , in the year
 of our Lord , at , in the said of
 M. N. was brought before us the said Justices
 (or me the said) charged with the following offence,
 that is to say: (*here state briefly the particulars of the charge*),
 and that we the said Justices (or I, the said),
 thereupon dismissed the said charge.

Given under our hands (or my hand) this day of .
 20 V., c. 29, s. 1.

4. If such Justices be of opinion, before the person charged has made his defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed. 20 V., c. 29, s. 1.

5. The Justices before whom any person is charged and proceeded against under this Act, before such person is asked whether he has any cause to shew why he should not be convicted, shall say to the person so charged, these words, or words to the like effect:

"We shall have to hear what you wish to say in answer to the charge against you; but if you wish to be tried by a Jury, you must object now to our deciding upon it at once." And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed. 20 V., c. 29, s. 2.

6. Any two or more Justices of the Peace, for any district in Lower Canada, or for any city, county or union of counties in Upper Canada, sitting in open Court, before whom any such person, as aforesaid, charged with any offence made

punishable under this Act, is brought or appears, may hear and determine the case under the provisions of this Act. 20 V., c. 29, s. 3.

*Same power to
Recorder, &c.,
and certain
other function-
aries.*

7. The Recorder, Inspector and Superintendent of Police, of either of the Cities of Quebec or Montreal, the Sheriff of any district in Lower Canada, other than the Districts of Quebec and Montreal, any Deputy Sheriff in the District of Gaspé, any Judge of a County Court in Upper Canada, being a Justice of the Peace, any Recorder of a city in Upper Canada being a Justice of the Peace, any Police Magistrate in Upper Canada, and any Stipendiary Magistrate in Upper Canada, sitting in open Court, and having by law the power to do acts usually required to be done by two or more Justices of the Peace, may and shall, within their respective jurisdictions, hear and determine every charge under this Act, and exercise all the powers herein contained, in like manner and as fully and effectually as two or more Justices of the Peace can or may do by virtue of this Act. 20 V., c. 29, s. 3.

*Sheriffs, when
sitting under
this Act, to be
attended by
Clerks of the
Peace.*

8. The Sheriffs of such districts as aforesaid respectively, and any Deputy Sheriff in the District of Gaspé, when sitting or acting under the provisions of this Act, shall be assisted, attended and obeyed by the Clerks of the Peace, Bailiffs, Constables and other Officers of such districts respectively, in the same manner as Justices of the Peace in and for the said districts respectively would be assisted, attended and obeyed by them respectively, under the same or similar circumstances; and the Clerk of the Peace of each such district shall be and act as the Clerk of the Court of the Sheriff of such district, under the provisions of this Act. 20 V., c. 29, s. 4.

*Certificate of
dismissal, or
a conviction, a
bar to further
proceedings.*

9. Every person obtaining such certificate of dismissal as aforesaid, and every person convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause. 20 V., c. 29, s. 5.

*Mode of com-
pelling appear-
ance of person
punishable on
summary con-
viction.*

10. In case any person whose age is alleged not to exceed sixteen years be charged with any such offence, on the oath of a credible witness before any Justice of the Peace, such

Justice may issue his summons or warrant to summon or to apprehend the person so charged to appear before any two Justices of the Peace, at a time and a place to be named in such summons or warrant. 20 V., c. 29, s. 6.

11. Any Justice or Justices of the Peace, if he or they ^{Power to one Justice to remand or take bail.} think fit, may remand for further examination or for trial, or suffer to go at large upon his finding sufficient sureties, any such person charged before him or them with any such offence as aforesaid. 20 V., c. 29, s. 7.

12. Every such surety shall be bound by recognizance to ^{Condition of recognizance.} be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace as aforesaid, or for trial at some Superior Criminal Court, as the case may be. 20 V., c. 29, s. 7.

13. Every such recognizance may be enlarged from time ^{Recognizance may be enlarged.} to time by any such Justice or Justices or Court to such further time as he or they appoint: and every such recognizance not so enlarged shall be discharged without fee or reward when the party has appeared according to the condition thereof. 20 V., c. 29, s. 7.

14. Every fine imposed under the authority of this Act, ^{Application of fines.} shall be paid to the Justices who impose the same, or to the Clerk of the Recorder's Court, or the Clerk of the County Court, or the Clerk of the Peace, *as the case may be*, and shall be by him or them paid over to the County Treasurer for county purposes, if the same was imposed in Upper Canada, and if it was imposed in any new district in Lower Canada, then to the Sheriff of such district as Treasurer of the Building and Jury Fund for such district, to form part of the said fund, and if it was imposed in any other district in Lower Canada, then to the Prothonotary of such district, to be by him applied, under the direction of the Governor in Council, towards the keeping in repair of the Court House in such district, or to be by him added to the moneys or fees collected by him, for the erection of a Court House or Gaol in such district, so long as such fees are collected to defray the cost of such erection. 20 V., c. 29, s. 8.

**Any Justice of
the Peace may
summon wit-
nesses;**

And bind by
recognizance.

In case of refusal, Justice may compel attendance of witness.

How summonses may be served.

Form of conviction.

Majesty's Justices of the Peace for the said district (*or city, &c., or me, S. J., Recorder*, of the *of*, *, or as the case may be*) for that he the said A. O. did (*specify the offence and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence*), and we, the said J. P. and J. R. (*or I the said S. J.*), adjudge the said A. O. for his said offence to be imprisoned in the (*or to be imprisoned in the*, and there kept at hard labour for the space of *, or we (or I) adjudge the said A. O. for his said offence to forfeit and pay* *, (here state the penalty actually imposed.)* and in default of immediate payment of the said sum, to be imprisoned in the (*or to be imprisoned in the*, and there kept to hard labour) for the space of *, unless the said sum shall be sooner paid.*

Given under our hands and seals (*or my hand and seal*) the day and year first above mentioned.

And the conviction shall be good and effectual to all intents and purposes. 20 V., c. 29, s. 11.

20. No such conviction shall be quashed for want of form, or be removed, by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. 20 V., c. 29, s. 12.

21. The Justices of the Peace before whom any person is convicted under the provisions of this Act, shall forthwith transmit the conviction and recognizances to the Clerk of the Peace for the District in Lower Canada, or for the city, county or union of counties in Upper Canada, wherein the offence was committed, there to be kept by the proper officer among the records of the Court of General Quarter Sessions of the Peace. 20 V., c. 29, s. 13.

Convictions
not void for
defect, &c.

Nor commit-
ments.

Convictions by
J. Ps. to be sent
to Clerks of the
Peace.

Who shall make Quarterly return, &c., to the Provincial Secretary.

No forfeiture on conviction.

But restitution may be made.

If such property is not forthcoming, &c.

The party so ordered to pay may be sued, &c.

Recovery of penalties.

Committal for non-payment.

22. Each such Clerk of the Peace shall transmit to the Provincial Secretary a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as may from time to time be required. 20 V., c. 29, s. 13.

23. No conviction under the authority of this Act shall be attended with any forfeiture; but whenever any person is deemed guilty under the provisions of this Act, the presiding Justices may order restitution of the property in respect of which such offence was committed, to the owner thereof or his representatives. 20 V., c. 29, s. 14.

24. If such property be not then forthcoming, the same Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments at such periods as the Court deems reasonable. 20 V., c. 29, s. 14.

25. The party so ordered to pay, may be sued for the same as a debt in any Court in which debts of the like amount may be by law recovered, with costs of suit, according to the practice of such Court. 20 V., c. 29, s. 14.

26. Whenever any Justices of the Peace adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty is not forthwith paid, such Justices, if they deem it expedient, may appoint some future day for the payment thereof, and order the offender to be detained in safe custody until the day so to be appointed, unless such offender gives security to the satisfaction of such Justices for his appearance on such day, and such Justices may take such security by way of recognizance or otherwise at their discretion. 20 V., c. 29, s. 15.

27. If at the time so appointed such penalty has not been paid, the same or any other Justices of the Peace may, by warrant under their hands and seals, commit the offender to the Common Gaol or House of Correction within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such

imprisonment to cease on payment of the said penalty. 20 V., c. 29, s. 15.

28. The Justices of the Peace before whom any person is prosecuted or tried for any offence cognizable under this Act, may, at their discretion, at the request of the prosecutor or of any other person who appears on recognizance or summons to prosecute or give evidence against such person, order payment to the prosecutor and witnesses for the prosecution of such sums of money as to them seem reasonable and sufficient, to reimburse such prosecutor and witnesses for the expenses they have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also compensate them for their trouble and loss of time therein, and to order payment to the Constable and other Peace Officers for the apprehension and detention of any person so charged. 20 V., c. 29, s. 16.

29. And although no conviction takes place, the said Justices may order all or any of the payments aforesaid, when they are of opinion that the parties or any of them have acted *bona fide*. 20 V., c. 29, s. 16.

30. The amount of expenses of attending before the examining Justices and the compensation for trouble and loss of time therein, and the allowances to the Constables and other Peace Officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and Constables for attending at the trial or examination of the offender, shall be ascertained by and certified under the hands of such Justices; but the amount of the costs, charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of eight dollars. 20 V., c. 29, s. 16.

31. Every such order of payment to any prosecutor or other person, after the amount thereof has been certified by the proper Justices of the Peace as aforesaid, shall be forthwith made out and delivered by the said Justices or one of them, or by the Clerk of the Recorder's Court, Clerk of the County Court or Clerk of the Peace, as the case may be, unto such prosecutor or other person, upon such Clerk being paid for

the same, the sum of twenty cents and no more, and shall be made upon the Officer to whom fines imposed under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who, upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, the money in such order mentioned, and shall be allowed the same in his accounts. 20 V., c. 29, s. 17.

Protection of persons acting under this Act.

32. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the District or Circuit in Lower Canada, or in the county or union of counties in Upper Canada where the fact was committed, and shall be commenced within three months after the fact committed, and not otherwise. 20 V., c. 29, s. 18.

Notice in writing to be given to defendant.

33. And notice in writing of such action or prosecution and of the cause thereof, shall be given to the defendant, one month at least, before the commencement of the action or prosecution. 20 V., c. 29, s. 18.

Defendant may plead the general issue.

34. In any such action or prosecution, the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. 20 V., c. 29, s. 18.

If tender of amends made, plaintiff not to recover, &c.

35. No plaintiff shall recover in any such action, if tender of sufficient amends was made before such action brought, or if a sufficient sum of money has been paid into Court after such action brought by or on behalf of the defendant. 20 V., c. 29, s. 18.

If the defendant be successful.

36. If a verdict passes for the defendant, or the plaintiff becomes non-suit, or discontinues any such action or prosecution after issue joined, or if, upon demurrer or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs and have the like remedy for the same as any defendant hath by law in other cases. 20 V., c. 29, s. 18.

CONSOLIDATED STATUTES—LOWER CANADA.

(CHAPTER 102.)

An Act respecting the Police in Quebec and
Montreal, and certain regulations of Police
in other Towns and Villages.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Governor may, in the Cities of Quebec and Montreal, by a commission under the great seal, appoint fit and proper persons to be Inspectors and Superintendents of the Police of the Cities of Quebec and Montreal, to execute the duties of Justices of the Peace at the Police Offices established therein and in all parts of the said cities, and such other duties as are hereinafter specified, or as may be from time to time directed by the Provincial Secretary, for the more efficient administration of the Police within the limits of the said cities:

2. The Governor may remove the said Inspectors and Superintendents of Police, if he sees occasion so to do, and may, upon any vacancy in the said offices, by death, removal or otherwise, appoint other fit persons as such Inspectors and Superintendents, to execute the duties aforesaid in lieu of the persons making such vacancy; and the Governor may appoint any person to be Inspector and Superintendent of the Police, for either of the said cities, by virtue of this Act: and any person so appointed may, during the continuance of his appointment, execute the duties of Justice of the Peace for the said cities, although he may not have the qualification required by law in case of any other person being a Justice of the Peace. 2 V. (1), c. 2, s. 1,—20 V., c. 44, s. 138, and see *Consol. Stat. of Can.*, c. 105, ss. 30, 31.

Appointment of
Superintend-
ents of Police

Governor may
remove them
and appoint
others.

To be ex officio
Justices of the
Peace.

Oath to be taken
on appoint-
ment.

2. Every person appointed Inspector and Superintendent of the Police of the said cities, shall, before he begins to execute the duties of his office, take the following oath before a Judge of Her Majesty's Court of Queen's Bench or of the Superior Court, that is to say :

" I, A. B., do swear that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute all the powers and duties of a Justice of the Peace, under and by virtue of chapter one hundred and two of the Consolidated Statutes for Lower Canada." 2 V. (1), c. 2, s. 2.

Their powers
and authority.

To have the
powers of two
Justices of the
Peace.

3. The Inspectors and Superintendents of the Police of the cities of Quebec and Montreal respectively, shall be, in virtue of their offices, Justices of the Peace for the criminal districts in which the above cities are respectively situate, and vested with all the powers and authorities within the limits of their respective jurisdictions, of any one or two Justices of the Peace as the case may require ; and all judgments, convictions and decisions rendered by them respectively shall have the same force and effect as if rendered by one or two Justices of the Peace whose names are included in the commission of the peace for the districts within which such Inspectors and Superintendents of Police are respectively appointed to act. 20 V., c. 122.

Police Force
may be em-
bodied.

4. A sufficient number of fit and able bodied men shall, from time to time, by the direction of the Provincial Secretary, be appointed as a Police Force for each of the said cities respectively, who shall be sworn by the said Inspectors and Superintendents of the Police respectively, to act as Constables for preserving the peace and preventing robberies and other felonies, and apprehending offenders against the peace :

Duties of the
men composing
it.

2. And the men so sworn shall, within the said cities, have all such powers, authorities, privileges and advantages, and be liable to all such duties and responsibilities as any Constable duly appointed has, by virtue of the laws of Lower Canada, or any statutes made or to be made, and shall obey all such lawful commands as they, from time to time, receive from the

Inspector and Superintendent of the Police for the city for which they are appointed, for conducting themselves in the execution of their office. 2 V. (1), c. 2, s. 3.

5. Each of the said Inspectors and Superintendents of Police may, from time to time, subject to the approbation of the Provincial Secretary, make such orders and regulations as they deem expedient, relative to the general government of the men appointed members of the Police Force under this Act for his city, the places of their residence, the classification, rank and particular service of the several members, their distribution and inspection, the description of arms, accoutrements and other necessaries to be furnished to them, and all such other orders and regulations relative to the said Police Force, as such Inspector and Superintendent of the Police from time to time deems expedient, for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties:

2. Each of the said Inspectors and Superintendents of the Police may, at any time, suspend or dismiss from his employment any man belonging to the said Police Force for his city, whom he thinks remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man is dismissed or ceases to belong to the said Police Force, all powers vested in him as a Constable by virtue of this Act, shall immediately cease and determine. 2 V. (1), c. 2, s. 4.

6. If any victualler or keeper of any house, shop, room, or other place for the sale of any liquors, whether spirituous or otherwise, knowingly harbours or entertains any man belonging to the said Police Force, or permits such man to abide or remain in his house, shop, room, or other place, during any part of the time appointed for his being on duty, such victualler or keeper, being convicted thereof before any two Justices of the Peace, shall for every such offence forfeit and pay such sum not exceeding five pounds, sterling money of Great Britain, as they think meet. 2 V. (1), c. 2, s. 5.

7. Any man, belonging to the said Police Force, may, during the time of his being on duty, apprehend all loose, idle and disorderly persons, whom he finds disturbing the

And may sus-
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Penalty on vic-
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Police-men on
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public peace, or whom he has just cause to suspect of any evil designs, and all persons whom he finds lying in any field, highway, yard or other place, or loitering therein, and not giving a satisfactory account of themselves, and deliver any person so apprehended into the custody of the Constable in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law. *Ibid.*, s. 6.

- Penalty on persons resisting Police. 8. If any person assaults or resists any person belonging to the said Police Force, in the execution of his duty, or aids, or incites any person so to assault or resist, such offender, being convicted thereof before two Justices of the Peace, shall for each such offence, forfeit and pay such sum, not exceeding five pounds, sterling money aforesaid, as the said Justices think meet. *Ibid.*, s. 7.

OF THE POWERS OF JUSTICES OF THE PEACE WITH RESPECT TO DISORDERLY PERSONS, GAMBLERS, ETC.

- Application of next sections. 9. The ten sections next following apply not only to the Cities of Quebec and Montreal, but also to every town and village Municipality in Lower Canada, erected or existing under the provisions of chapter twenty-four of these Consolidated Statutes, subject to the provisions of section twenty-nine of that Act. 23 V., c. 61, s. 29.

- Proceedings as regards disorderly persons. 10. Any Justice of the Peace may condemn all loose, idle and disorderly persons convicted before him on his own view or by their own confession, or on the oath of one or more credible witnesses, to pay immediately or within such period of time as he thinks fit, a fine not exceeding five pounds sterling, and in default of payment immediately or at the time appointed, (as the case may be,) such persons shall be imprisoned in the Common Gaol or House of Correction of the district or in any lock-up house or other place provided by the Municipality for the purpose, at hard labour, for any time not exceeding two months, the imprisonment to cease upon payment of the sum due : •

2. But it shall be in the discretion of the Justice before whom any person, apprehended as a loose, idle and disorderly person is brought, either to commit such person or to discharge him, although an act of vagrancy be proved to have been committed by him:—and it shall also be in the discretion of such Justice on discharging any such person, to bind him in sufficient recognizance to appear before the Justices at the next General or Quarter Sessions of the Peace, or Court of Queen's Bench, if no Court of Quarter Sessions be held in the district, to answer any charge or charges that may be alleged against him. 2 V., c. 2, s. 8.—7 V., c. 2, s. 1, —9 V., c. 23,—20 V., c. 41, s. 7,—23 V., c. 61, s. 29.

11. Persons who, being able to work, and thereby or by other means to maintain themselves and families, wilfully refuse or neglect to do so.—

Persons openly exposing or exhibiting in any street, road, public place, or highway, any indecent exhibition, or openly and indecently exposing their persons,—

Persons loitering in the streets or highways and obstructing passengers, by standing across the footpaths, or by using &c.; insulting language, or in any other way,—tearing down or defacing signs, breaking windows, breaking doors or door-plates, or the walls of houses, yards or gardens, destroying fences, causing a disturbance or noise in the streets or highways by screaming, swearing, or singing,—being drunk, and impeding or incommoding the peaceable passengers,—

All common prostitutes or night walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves,—

Persons in the habit of frequenting houses of ill-fame, not giving a satisfactory account of themselves,—

Persons tippling in taverns or tap-rooms, after the hour of ten at night and before the hour of five in the morning, between the twenty-first day of March and the first of October, and after the hour of nine at night and before the hour of six in the morning, from the first day of October to the twenty-first day of March,—

Gamblers—

Persons winning money or other valuable thing in playing at cards, dice or other chance game, in taverns,—

Shall be deemed disorderly persons.

Shall be deemed loose, idle and disorderly persons, within the meaning of this Act. 2 V. (1), c. 2, s. 9.

Justice may issue search warrants.

12. Any Justice of the Peace, upon information upon oath before him made, that any persons hereinbefore described are loose, idle and disorderly persons, and are, or are reasonably suspected, to be harboured or concealed in any house of ill-fame, tavern or boarding house, may, by warrant under his hand or seal, authorize any Constable or other person to enter at any time such house, or tavern, and to apprehend and bring before him or any other Justice or Justices, all persons found therein and so suspected as aforesaid:

How such persons shall be punished.

2. And if, on examining such persons so apprehended and brought as aforesaid, it appears to such Justice or Justices that they or any of them cannot give a satisfactory account of themselves, such Justice or Justices may condemn them to pay, either immediately or within such period as he or they think fit, a fine not exceeding five pounds sterling; and in default of payment at the time appointed, they shall be imprisoned in the Common Gaol or House of Correction, or in the lock-up house, or other place provided by the Municipality for the purpose, at hard labour for any time not exceeding two months, in the City of Quebec or of Montreal, or thirty days in any other town or village Municipality, the imprisonment to cease upon payment of the sum due. 2 V. (1), c. 2, s. 10,—7 V., c. 21, s. 1, and 9 V., c. 23,—23 V., c. 61, s. 29.

Charges against them to be in writing.

13. In all proceedings against loose, idle, and disorderly persons, the charge shall be reduced to writing, and shall be stated by the Justice or Justices of the Peace to the party accused, who shall be held to plead forthwith to the same; and the said charge shall be summarily tried, due time being given to the party accused to procure the attendance of the necessary witnesses to establish his defence, if he so requires. 7 V., c. 21, s. 3.

Commitments to specify the facts of the case.

14. Every commitment to Gaol or to the House of Correction or lock-up house, shall specify the particular fact or facts, as

to time, place and circumstance, which constitute the offender a loose, idle and disorderly person; and any commitment which does not specify such facts, shall be held to be insufficient, and the party imprisoned under colour thereof shall be entitled to be discharged from imprisonment, upon application to that effect to any Judge of the Court of Queen's Bench or of the Superior Court, or any other person authorized by law to act in the absence of such Judge. 7 V., c. 21, s. 5.

15. Any Justice of the Peace may commit any person convicted before him, by his own view or by the oath of one or more credible witness or witnesses, or by his confession, of over-loading, over-driving or otherwise ill treating any horse, dog or other animal, to the Common Gaol, for any time not exceeding one month; and all Constables shall and may apprehend any such person, and bring him before a Justice of the Peace, to be dealt with according to the provisions of this Act. 2 V. (1), c. 2, s. 11.

16. Whenever any person is charged on the oath of a credible witness, before any Justice of the Peace, with any offence punishable by a penalty, on summary conviction under this Act, the Justice may summon the person charged to appear before any two Justices of the Peace at a time and place to be named in such summons; and if the person charged does not appear accordingly, then (upon proof of the due service of the summons, by delivering a copy thereof to such person or by delivering a copy to his wife or servant or some inmate of the family of such person, at his usual place of abode,) the Justices, before whom he ought to have appeared, may either proceed to hear and determine the case *ex parte*, or may issue their warrant for apprehending such person, and bringing him before them:

2. The prosecution for any offence punishable by a penalty upon summary conviction by virtue of this Act, shall be commenced within three months after the commission of the offence and not otherwise. 2 V. (1), c. 2, s. 12.

17. The Justices of the Peace by whom any person is convicted and adjudged to pay any sum of money, for any offence against this Act, may adjudge that such person shall pay the

How cruelty to animals shall be punished.

Proceedings to enforce the appearance of a person charged under this Act

Limitation of prosecution.

Certain time may be allowed for the payment of the fine.

same either immediately or within such period as they think fit: and in default of payment at the time appointed, the said person shall be imprisoned in the Common Gaol or House of Correction, for any term not exceeding two months, in the City of Quebec or Montreal, or thirty days in any other town or village Municipality, which said imprisonment shall cease upon payment of the sum due. 2 V., c. 2, s. 14.

*Application of
fines imposed
under this Act.*

18. All fines and penalties imposed for offences against this Act shall make part of the Building and Jury Fund of the district in which they are imposed, and shall be paid over by the Justices or persons receiving them to the Sheriff of such district accordingly. 20 V., c. 44, s. 11;—23 V., c. 57, s. 2.

*Appeals from
convictions
under this Act.*

19. Any person, convicted under this Act, may appeal from such conviction to the next ensuing General Quarter Sessions of the Peace, upon giving good and sufficient security to pay the penalty awarded against him and all costs of such appeal; and the said Sessions of the Peace shall hear such appeal and dispose of the same and award costs in manner and form as practised upon other appeals. 7 V., c. 21, s. 4.

POWERS OF RECORDERS OF QUEBEC AND MONTREAL.

*Powers of In-
spectors of Po-
lice may be
exercised by
Recorders.*

20. All the powers and jurisdiction conferred upon the Inspectors and Superintendents of Police for the Cities of Quebec and Montreal, or upon two or more Justices of the Peace, by the foregoing provisions of this Act, shall be vested in and may be exercised by the Recorders and, by the Recorders' Courts of and for the said cities, and by those who by law may or are to act in the absence on account of sickness or otherwise of the said Recorders, or when there is no Recorder, and discharge the duties of that office. 19, 20 V., c. 106, ss. 1, 4, 8,—14, 15 V., c. 128, ss. 79, 82,—18 V., c. 162, s. 15.

EXPENSES OF THE POLICE IN QUEBEC AND MONTREAL.

*Expenses of
Police to be*

21. The Governor may pay, out of any moneys in the hands of the Receiver General, not otherwise appropriated, such

sums as are required for the maintenance of the Police under this Act; and all salaries, allowances and contingent charges in that behalf shall be paid upon pay lists to be made out on the first day of each month by the Inspector and Superintendent of Police, signed by him and approved by the Provincial Secretary. 2 V., (1), c. 2, s. 17.

22. Out of any moneys received for tolls, rates and wharfage dues by the Commissioners for the Improvement and Enlargement of the Harbour of Montreal, and remaining in their hands in any year after defraying all the special charges payable out of the same during such year, the Governor may direct the Commissioners to pay over to such Officer or person as he may designate, such sum as may be required to defray the expenses attending the employment of the additional members of the Police Force established under this Act, whom it has been found necessary to employ during such year to act more especially as Constables in the harbour and port aforesaid; the number of such additional members of the said Police Force to be so employed, and the remuneration to be allowed for their services, having been, previously to their employment, determined by the Governor in Council:

2. And the Officer or person to whom such sums are paid by the said Commissioners shall apply the same to the payment of the expenses aforesaid, under such instructions as he may receive from the Governor in that behalf, and shall account for the same in such manner and form as the Governor shall direct. 14, 15 V., c. 24.

23. All moneys raised, levied and received under the authority of the Acts 14, 15 V., c. 25, and 20 V., c. 124 (*to provide for defraying the expense of the River Police at Quebec*) shall be applied by such Officers or persons, and under such rules and regulations as the Governor shall from time to time appoint for that purpose, in defraying the expense of maintaining and paying the members of the Police Force acting as Constables in the Port of Quebec, under this Act, 2 V., (1), c. 2.—14, 15 V., c. 25, s. 8, and 20 V., c. 124.

paid by the Governor.

Additional Police for Harbour in Montreal to be paid by Harbour Commissioners.

Account of such expenses.

Payment of Quebec Harbour Police provided for.

INTERPRETATION.

What the word "city" shall include. 24. For the purposes of this Act the word "*city*" or "*cities*," as applied to the Cities of Quebec and Montreal, wherever used in this Act, shall be held to denote the said cities, together with such neighbouring districts as the Governor has directed or may at any time direct by proclamation. 2 V. (1), c. 2, s. 19.

OF LABOURERS, SERVANTS, AND APPRENTICES FOUND GAMBLING, ETC.

Servants or apprentices gambling in houses how punished. 25. If any journeyman, day labourer, servant or apprentice, plays at any game of cards, dice, skittles or any other game, for money, liquor or otherwise, in any house, out-house, apartment or ground in the occupation of or belonging to any person licensed to sell spirituous liquors by retail, or to keep a house of public entertainment in Lower Canada, and such journeyman, servant or apprentice be convicted thereof before a Justice of the Peace in the villages or country parishes, or before the Justices of the Peace in their weekly sittings in the Cities of Quebec or Montreal, by the oath of one credible witness, or by confession, he shall forfeit and pay for every such offence, a sum not exceeding four dollars, and not less than one dollar; and in default of payment of such fine or penalty within six days, such journeyman, labourer, servant or apprentice shall be committed to the House of Correction for a space of time not exceeding eight days, in discharge of such penalty as aforesaid:

Cap. 8 of these Con. Stat. not affected. 2. Nothing in this section shall affect any provision of the eighth chapter of these Consolidated Statutes relating to billiard tables. 57 G. 3, c. 16, s. 10.

Discretion of Justice as regards costs. 26. The Justice of the Peace, before whom any such case is heard and determined, may award the cost which either of the parties shall have to pay the other, as they judge fit; and in case any person against whom any such costs are so awarded, does not pay the same within seven days next after they

have been so awarded, any such Justice or Justices of the Peace, whether in or out of session, may issue a warrant of distress for levying the same, by the seizure and sale of the offender's goods and chattels. *Ibid.*, s. 14.

27. One moiety of every penalty imposed in virtue of the twenty-fifth section of this Act, shall belong to the informer, and the other moiety shall make part of the Building and Jury Fund of the district in which it is imposed, and shall accordingly be paid over by the Justice or person receiving it to the Sheriff of such district. 20 V. c. 44, s. 113, &c.

28. Upon every judgment under the said twenty-fifth section, by any Justices of the Peace, an appeal shall lie to the Justices of the Court of Quarter Sessions of the Peace for the district where the judgment was rendered, upon which appeal the full merits of the original complaint may be heard and adjudged:

2. But the appellant, before the allowance of any appeal as aforesaid, shall give good and sufficient security to pay the amount of the judgment appealed from, and costs as well on the original complaint as on the appeal. 57 G. 3, c. 16, s. 12.

CONSOLIDATED STATUTES—LOWER CANADA.

(CHAPTER 15.)

COMMON SCHOOLS.

SPECIAL PROVISIONS RELATING TO THE CITIES OF MONTREAL
AND QUEBEC.*This Act to apply to Montreal and Quebec.*

(See. 128.) In each of the Cities of Quebec and Montreal the provisions of this Act, with regard to the establishment of Common Schools in each Municipality, shall have effect and be applied, except in so far as it is otherwise herein provided : and all persons appointed or called upon to carry this Act into effect in the said cities, shall have the same powers as the corresponding functionaries in the Municipalities, by whatever name they may be designated, and shall be subject to the same obligations and penalties. 9 V., c. 27, s. 40.

Each city to form a distinct Municipality.

(129.) For all the purposes relative to the distribution and apportionment of School Moneys, and for all other purposes of this Act, where it is not repugnant to the other provisions thereof, each of the Cities of Quebec and Montreal shall be considered as one Municipality ; and it shall not be necessary to divide them into School Districts, but each School established by the Commissioners or put under their control by virtue of and in accordance with this Act, shall be considered as a School District, and may be attended by children from any part of the city. 9 V., c. 27, s. 41.

*Appointment of School Commissioners.**In case of failure to appoint.*

(130.) In Quebec and Montreal the Corporation shall appoint twelve School Commissioners, six of whom shall be Roman Catholics and six Protestants ; and such Commissioners shall form two separate and distinct Corporations, the one for the Roman Catholics and the other for the Protestants ; and one-half of each of the said Corporations shall be renewed annually by the said Corporation ; In case the Corporation of the City of Quebec or that of Montreal refuses or neglects to appoint such Commissioners or to renew them at the time prescribed, that is to say, in the month of July in each year, the

Superintendent of Education shall appoint them *ex-officio*, with the approval of the Governor in Council. 9 V., c. 27, s. 42.

(131.) In the Cities of Quebec and Montreal, no rate shall be imposed for the purposes of Common Schools, but the City Treasurer of each of the said cities shall, out of the moneys in his hands forming part of the funds of the Corporation of such city, from whatever source such moneys are derived, (all Laws or Rules or By-laws of the Council of such Corporation to the contrary notwithstanding,) pay to the respective Boards of School Commissioners of such city, and in proportion to the population of the religious persuasion represented by such Boards respectively, a sum equal in amount to that apportioned to such city out of the Common School Fund, to be employed for the purposes of the Common Schools, under the direction of such Boards of School Commissioners respectively:—And if the Treasurer refuses to make such payment, the Board of Commissioners, or their Secretary, may recover the amount by action in the Superior Court, who shall order such Treasurer to pay the amount awarded by their judgment, principal, interest and costs, out of the moneys he may then have in, or that may thereafter come into his hands as such Treasurer; and shall compel him, by all legal means, even by *contrainte par corps*, to satisfy such judgment. 14, 15 V., c. 97, s. 9.

(132.) The Corporations of the Cities of Quebec and Montreal may pay out of their funds an additional sum equal to that which they are authorized to pay to the Boards of School Commissioners, and also an additional sum of thirty per cent. to make good any unforeseen or contingent expenditure. 19, 20 V., c. 14, s. 1.

(133.) The City of Montreal shall be entitled to receive out of the Common School Fund only one-fourth, and the City of Quebec two-thirds, of the sums they would without this provision be respectively entitled to according to their population. 9 V., c. 27, s. 44.

(134.) The School Commissioners for Quebec and Montreal shall, in their intercourse with the Superintendent of Education, be guided by the same rules and regulations as other School Commissioners. 9 V., c. 27, s. 45.

(24 VICTORIA, CAP. 24.)

An Act to provide for the more general adoption of the practice of Vaccination.

(Assented to 18th May, 1861.)

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

No public money to be paid to any hospital, unless it has a Small-pox ward.

Certain cities may employ medical practitioners to vaccinate the citizens, &c.

Proviso.

1. No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any hospital, unless, nor until, a certificate, signed by a medical officer of such hospital, to the effect that there is in such hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with Small Pox, has been filed with the Clerk of the Executive Council.

2. From and after the passing of this Act, it shall be lawful for the Council of each of the Cities of Quebec, Three-Rivers, St. Hyacinthe, Montreal, Ottawa, Kingston, Toronto, Hamilton and London, and the Town of Sherbrooke, and they are hereby respectively empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract may expire, for the Vaccination, at the expense of the city, of all poor persons, and, at their own expense, of all other persons, resident in such city, who may come to such medical practitioner or practitioners for that purpose: Provided, always, that it shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting.

3. Within three months after the passing of this Act, the Council of each such city shall appoint a convenient place in each ward of such city for the performance, at least once in each month, of such Vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend once at the least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such Vaccination in the persons so vaccinated.

4. The father or mother of every child born in any of the said cities, after the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, shall, at some such appointed time, within three calendar months after the birth of such child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some such appointed time, within four calendar months after the birth of such child, take or cause to be taken the said child to the medical practitioner in attendance at the appointed place in the ward in which the said child is resident, according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless such child have been previously vaccinated by some legally qualified medical practitioner and the Vaccination duly certified: and the said medical practitioner so appointed shall, and he is hereby required, thereupon, or as soon after as it may conveniently and properly be done, vaccinate the said child.

5. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, shall again take or cause to be taken the said child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that such

medical practitioner may ascertain by inspection the result of such operation.

**Certificate of
successful Vac-
cination to be
given.**

6. Upon and immediately after the successful Vaccination of any child born in any of the said cities, after the said first day of January, one thousand eight hundred and sixty-two, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, a certificate under his hand, according to the form A, in the Schedule to this Act, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Clerk of the city in which the operation was performed; and such certificate shall, without further proof, be admissible as evidence of the successful Vaccination of such child in any information or complaint brought against the father or mother of such child, or against the person who shall have had the care, nurture or custody of such child as aforesaid, for non-compliance with the provisions of this Act.

If the child be
found unfit for
Vaccination.

7. If any medical practitioner appointed as aforesaid shall be of opinion that any child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care, nurture or custody of such child as aforesaid, on demand and without fee or reward, a certificate under his hand, according to the form B, in the Schedule to this Act, that the child is in an unfit state for successful Vaccination; and such certificate, or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery.

Certificate.

Representation
of the child to
be repeated un-
til successful
Vaccination.

as aforesaid; and the father or mother of the said child, or the person having the care, nurture or custody of the said child as aforesaid, shall, (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate as aforesaid, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until such child has been successfully vaccinated,

take or cause to be taken to the said medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the said medical practitioner deem the said child to be then in a fit and proper state for such successful Vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful Vaccination of such child, deliver to the father or mother of such child, or person having the care, nurture or custody of such child, as aforesaid, a certificate ~~Certificate~~, under his hand according to the form A, in the Schedule to this Act, that such child has been successfully vaccinated; but if the said medical practitioner be of opinion that the said child is still in an unfit state for successful Vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture or custody of the said child, as aforesaid, a certificate under his hand, according to the form B, in the Schedule to this Act, that the child is still in an unfit state for successful Vaccination; and the said medical practitioner, so long as such child remains in an unfit state for Vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of such child, or to the person having the care, nurture or custody of such child, a fresh certificate under his hand, according to the said form B, in the Schedule to this Act: and the production of such certificate, or of any similar certificate from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

8. In the event of any medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any such child as aforesaid, that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of such child, or to the person having, as aforesaid, the care, nurture or custody of such child, a certificate under his hand, according to the form C, in the Schedule to this Act; and the production of such certificate shall be a sufficient defence against any complaint which may be brought

If the child be
found insuscep-
tible of the vac-
cine disease

against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

Fees under this Act.

9. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act.

Penalty for non-compliance with the requirements of this Act.

10. If any father or mother, or person so having as aforesaid the care, nurture or custody of any such child as aforesaid, shall not cause such child to be vaccinated within the periods prescribed by this Act, or shall not, on the eighth day after the Vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions in this Act respectively contained, then such father or mother, or person having the care, nurture or custody of such child as aforesaid, so offending, shall be liable to a penalty not exceeding five dollars, recoverable on summary conviction before the Inspector and Superintendent of Police, Police Magistrate, or Stipendiary Magistrate appointed for the city in which the offence was committed, or if there be no such officer, then before any two Justices of the Peace sitting and having jurisdiction in such city; and the provisions of the one hundred and third chapter of the Consolidated Statutes of Canada shall be applicable to the recovery of such penalties.

recovery.

How far and when plea of conviction shall avail.

11. After the expiration of two months from the conviction of any person for any offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child; but the production of a certificate under the hand of a legally qualified medical practitioner, according to any of the forms in the Schedule to this Act, shall be a sufficient defence against any such complaint; provided always, that if the certificate produced be in the form B, the production thereof shall not be a sufficient defence, unless the Vaccination be thereby postponed to a day subsequent to that on which the complaint is brought.

SCHEDULE.

FORM A.

I, the undersigned, hereby certify that _____, the child of _____, aged _____, of _____ Ward, in the City of _____, has been successfully vaccinated by me.

(Signed.) A. B.

Dated this _____ day of _____, 186 ____.

FORM B.

I, the undersigned, hereby certify that I am of opinion that _____, the child of _____, of _____ Ward, in the City of _____, aged _____, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the Vaccination until the _____ day of _____.

(Signed.) A. B.

Dated this _____ day of _____, 186 ____.

FORM C.

I, the undersigned, hereby certify that I am of opinion that _____, the child of _____, of _____ Ward, in the City of _____, is insusceptible of the vaccine disease.

(Signed.) A. B.

Dated this _____ day of _____, 186 ____.

(14 AND 15 VICTORIA, CAP. 129.)

An Act to provide means to recover from the Corporation of the City of Montreal, part of the expense incurred in guarding the Common Gaol at that place.

(Assented to 30th August, 1851.)

Preamble.

WHEREAS by far the greater number of the prisoners detained in the Common Gaol for the District of Montreal, are persons charged with or convicted of crimes and criminal offences committed within the City of Montreal, and it is therefore just and proper that the Corporation of the said city should contribute towards defraying the expense of guarding the said Gaol: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for and the duty of the Sheriff of the District of Montreal, on the first juridical day in each of the months of March, June, September and December in each and every year, beginning with the month of December, next after the passing of this Act, to furnish to the Clerk of the City of Montreal, for the information of the Council of the said city, a statement in writing of the probable expense of guarding the Common Gaol for the District of Montreal during the three months then next ensuing, over and above any sum of money applicable for that purpose which he may have in hand at the time of

Council of Montreal on warrant of the Sheriff to pay part of the expense of guarding the said Gaol.

furnishing such statement; and the said Sheriff may, by his warrant or warrants from time to time, require the Council of the said city, out of the funds of the said city, to pay any sum or sums of money not exceeding two-thirds of the sum mentioned in the then last statement, and the Council of the said city shall thereupon cause the said sum or sums of money in the said warrant or warrants mentioned, to be paid to the said Sheriff by the Treasurer of the said city, within forty days from the delivery of such warrant or warrants to the Clerk of the said city: Provided always, that the sum and proviso. sums of money so to be required and received from the Council of the said city, for the purposes and in the manner aforesaid, shall not in any one year exceed the sum of six hundred pounds: and that the application and expenditure thereof shall be accounted for by the said Sheriff to the Council of the said city, on or before the last juridical day of each of the months of February, May, August and November, in each and every year.

2. And be it enacted, That the Treasurer of the said city, at the time and times of making payment to the said Sheriff of any sum or sums of money required to be paid to him by this Act, for the purposes and in the manner aforesaid, shall sign and deliver to the said Sheriff a note in writing, specifying the sum or sums of money so paid, which note shall be kept by the said Sheriff as a voucher for his receipt of such sum or sums; and the receipt of the said Sheriff, specifying the sum or sums paid to him by the said Treasurer as aforesaid, shall be a sufficient discharge and voucher for such Treasurer, and shall be allowed as such, in passing his accounts.

3. And be it enacted, That if after the lapse of forty days from the delivery of any such warrant or warrants to the Clerk of the said city as aforesaid, the sum or sums of money therein mentioned, or any or either of them, or any part thereof, shall remain unpaid to the said Sheriff, an action Action given
the money so
payable be not
paid within a
certain time. shall accrue to the said Sheriff, on behalf of Her Majesty, to demand and have, of and from the said Corporation, to wit, the Corporation of the Mayor, Aldermen and Citizens of the

Proviso.

City of Montreal, such sum or sums of money so remaining unpaid as aforesaid; and the cause of such action shall be held to have arisen in the said City of Montreal, and the statement or statements of the said Sheriff, so by him furnished to the Clerk of the said city as aforesaid, in respect of which the warrant or warrants for the amount of which, either wholly or in part, any such action may be brought, shall be sufficient *prima facie* evidence in the said action, of the probable expense of guarding the said Gaol for the period or periods mentioned in such statement or statements respectively: Provided always, that if and whenever it shall be pleaded by the said Corporation, by way of defence in any such action, that the said Sheriff hath not accounted to the Council of the said city for the application and expenditure of any sum or sums of money paid to him by the Treasurer of the said city, for the purposes and in the manner aforesaid, under and by virtue of this Act, previous to the date of such statement or statements, the burden of proving that he did so account shall lie upon the said Sheriff; and in the event of his failing to do so, the action shall be dismissed with costs against the said Sheriff personally.

CONTRIBUTION TO BUILDING AND JURY FUND.

By the 15th section of chapter 109 Consolidated Statutes of Lower Canada, (12th paragraph,) it is provided that for keeping in good repair the District Court Houses and Gaols, erected or to be erected, and for paying the Petit Jurors in criminal cases in the same, there shall be, in and for each such district a fund, to be called "The Building and Jury Fund," which shall consist among other things of a yearly contribution from each local Municipality in the district, which contribution shall be: forty-eight dollars yearly from the local Municipality in which such Court House and Gaol are situate—twenty-four dollars yearly from each other local Municipality in the county in which such Gaol and Court House are situate,—and twelve dollars yearly from each other local Municipality in the district; subject to the following exceptions and provisions, that is to say:

Yearly contribution by local Municipalities;

The local Municipalities or Corporations of the Cities of Quebec and Montreal shall each contribute double the aggregate amount to be so contributed by all the other local Municipalities within the Districts of Quebec and Montreal, respectively;

By the 30th section of the same chapter (109), it is provided that: If at any time the ordinary funds of the Corporation of the City of Quebec or Montreal be insufficient to meet any contribution required to be made, under the provisions of this Act, or under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-nine, it shall be lawful for the Council thereof to impose for that purpose a special tax or assessment, over and above the amount for which such Council is then authorized by law to impose rates or assessments, and to appropriate for that purpose any part of the fees of the Recorder's Court, or to impose upon proceedings in that Court a special tax, to create a fund for the above mentioned purpose.

Corporation of Quebec or Montreal may impose a special rate for purposes of this Act, or 14, 15 V. c. 129.

CONSOLIDATED STATUTES—CANADA.

(CHAPTER 6.)

REGISTRATION OF VOTERS AS REGARDS LOWER CANADA ONLY.

Duty of Assessors in Lower Canada.

9. The Assessors in Lower Canada shall ascertain by the best means in their power, the owner and the tenant or occupant of all real property entered in the assessment roll ; and shall enter the names of such owner and tenant or occupant therein, distinguishing them respectively as the owner, tenant or occupant, as the case may be. 22 V., c. 82, s. 5.

Valuators or Assessors in L. C. to insert certain matters in their rolls.

18 V., c. 100.

2. Notwithstanding anything in the *Lower Canada Municipal and Road Act of 1855*, in the Acts amending the same, or in any Act incorporating any city or town in Lower Canada, every Assessor, Valuator or other person employed to make the valuation or assessment roll of property in any city, town, village, or other local Municipality in Lower Canada, shall insert in such roll, in separate columns and in addition to all other information required by law to be inserted, the actual value of every real property, the annual value of, or income derived or derivable from every such property, and the names of the owners, tenants or occupants (each in separate columns) of every such property ;

Payments in produce, &c., to be reckoned part of the rent.

3. And whenever the rent, or any part of the rent of any real property is made payable in produce, or otherwise than in money, or any premium is paid, or any improvements are to be made by the tenant, or any other consideration is stipulated in favour of the owner, in reduction of the rent,—the Assessor or Valuator shall take into consideration and allow for such produce, premium, improvement or consideration in establishing the annual rent or value of such property ; 22 V. (1859), c. 10, s. 3. .

Valuation or assessment rolls to be attested on oath.

4. Every valuation or assessment roll, every revised valuation or assessment roll, and every list of voters, made under the provisions of this Act, of the Acts hereby amended, or of

any other Act, shall be subscribed or attested by the person or persons making the same, and by any person employed under the authority of the second sub-section of the sixty-fifth section of *The Lower Canada Municipal and Rural Act of 1855*, if any such person be so employed, and attested by his or their oath or affirmation, in the following form:

"I, (or, we severally and each for himself,) *The oath.*
 "do swear (or solemnly declare) that to the best of my (or
 "our) knowledge and belief, the above (*here insert title of*
document as valuation or assessment roll, revised valuation
or assessment roll, or list of voters, as the case may be),
 "is correct, and that nothing has been improperly and fraudu-
 "lently inserted therein, or omitted therefrom."

And such oath or affirmation shall be made before a Justice *Before whom to be made.*
 of the Peace, who shall attest the same:—And the wilful
 making of any false statement in any such oath or affirmation,
 shall be wilful and corrupt perjury, and punishable as such,
 as provided by the Interpretation Act, which shall apply to
 this Act. 22 V. (1859), c. 10, s. 4.

10. It shall be the duty of the Assessors in every incorporated city, and in every local municipality in Lower Canada, in which city or municipality assessment rolls are not required *Assessors to revise and correct assessment roll every year, &c., in certain respects.*
 to be or are not made annually, to revise and correct every year, until the next general assessment roll is made, the then existing assessment roll so far as regards the names of the owners and tenants or occupants of all real property, entitled under the provisions of this Act to be entered on the list of voters at the elections of members of the Legislative Council or Assembly; and such revision and correction shall be made *At what time.*
 annually at and during the same period of the year at and during which the original assessment was made; and every *To whom to be delivered.*
 such revised and corrected assessment roll shall be delivered to the Treasurer or Secretary-Treasurer of the Municipality, in the same manner and within the same delay as the original assessment-roll is required to be delivered.

11. The Clerk, or Treasurer, or Secretary-Treasurer of *The Clerk of the Municipality to make a list of persons qualified to vote, dis-*
 every such city and of every such local municipality, shall, immediately after the assessment-roll has been received by

~~tinguishing tenants from owners, &c.~~

~~Separate lists for each Ward in cities.~~

~~Proceedings when a Municipality is partly in one electoral division and partly in another.~~

~~Clerk, &c., to certify on oath of the correctness of such list, &c.~~

~~Duplicate to the Registrar of the county.~~

~~List to be revised, &c., yearly.~~

~~Copy to be posted up, and where.~~

the Clerk, Treasurer, or Secretary-Treasurer of the Municipality, make an alphabetical list of the persons who appear by the assessment-roll to be qualified, under this Act, to vote at elections of members of the Legislative Council or Assembly, in respect of property mentioned in such assessment roll, distinguishing such persons as appear qualified as owners from those qualified as tenants or occupants, and shewing the number of the lot or part of lot, or other description of the real property in respect of which they are so qualified; and in every such incorporated city, the Clerk or Secretary-Treasurer shall make out for each ward a separate list of the above kind, of all persons entitled to vote in respect of real property situate within such ward;

2. If any Municipality is partly in one electoral division and partly in another for the purposes of any such election, the Clerk or Secretary-Treasurer shall make out for each of such electoral divisions, one such alphabetical list containing the names, with such description of property, of all persons on the assessment-roll who are entitled to vote in respect of real property situate in each of such electoral divisions respectively;

3. Such Clerk, Treasurer or Secretary-Treasurer shall certify by oath or affirmation, before any two Justices of the Peace, to the correctness of the list or lists so made out by him, and he shall keep such certified lists among the records of the Municipality, and shall deliver a duplicate thereof when finally revised and corrected, certified by oath or affirmation as aforesaid, to the Registrar of the county or registration division within which the Municipality lies;

4. And the Clerk, Treasurer or Secretary-Treasurer in any city or municipality in which assessment rolls are not made annually, shall make out in the same manner an alphabetical list of the same kind from the assessment roll as annually revised and corrected by the Assessors;

5. A copy of every such list shall be kept publicly posted up in the office of the said Clerk or Secretary-Treasurer, for the information of all parties concerned, such copy being corrected by the said Clerk or Secretary-Treasurer by the

original when finally revised as hereinafter provided, and again posted up as aforesaid.

12. The list of voters made in the manner hereinbefore prescribed for any Municipality in Lower Canada (not including cities), shall be subject to revision and correction in the same manner and by the same authority by which the assessment roll may by law be revised and corrected: and application may be made by parties desirous of having the same corrected, in the manner and during the period of time provided by law for making applications for corrections in the assessment roll;

2. And in cities, such members of the City Council as shall be appointed by such Council for that purpose (or if there be a Board established by law for revising the list or lists of municipal electors or voters, such Board), shall be a Board for revising the list of voters, and application may be made by parties desirous of having the same corrected, in the manner hereinafter mentioned during such time as shall be appointed by the City Council:

3. The said Board or other authority shall take cognizance of any complaint made in writing by one or more electors, to the effect that any property designated in such complaint has been overvalued in the valuation roll, provided such overvaluation would have the effect of giving the right of voting to a person not otherwise entitled to vote: And the said Board or other authority shall determine such complaints in the manner, and with the formalities appointed with regard to the complaints referred to in the following section.

13. If any person deems himself aggrieved either by the insertion or omission of his name in any such list, he shall, either by himself or his agent, give notice thereof in writing to the Clerk or Secretary-Treasurer of the city or municipality, within the period aforesaid, stating generally in what manner, and for what reasons he holds himself aggrieved: and the complaint shall be tried and determined by the said Board or authority at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the roll. 22 V., c. 82, s. 5.

Board may correct over valuation, if it would give a vote to a party not otherwise entitled.

How persons deeming themselves aggrieved with regard to such lists, shall proceed.

Persons omitted from the list because they are not on the assessment roll, &c., may complain and appeal.

2. And whenever the name of any voter entitled to have his name entered on the valuation or assessment roll, or on the revised valuation or assessment roll, is omitted from the list of voters, in consequence of its having been omitted from any such roll or revised roll, such person shall have the same right of complaint and of appeal in order to have his name placed on the said list of voters, as if it had been omitted from the said list after having been inserted in such roll or revised roll. 22 V. (1859), c. 10, s. 6.

If any person entered on the list is objected to, or any person is omitted who is alleged to be qualified.

Notice to parties.

Board, after hearing parties finally to determine, &c.

Proceedings of the Revising Board on any

3. If any person, being himself a voter whose name is on the list, thinks that the name of any other person also entered thereon ought not to have been so entered because such other person is not duly qualified as a voter,—or thinks that the name of any other person not entered thereon should be so entered because such person is duly qualified as an elector, he may file a complaint to that effect with the Clerk or Secretary-Treasurer of the city or municipality within the period aforesaid, stating his complaint and the grounds thereof, and the complaint shall be tried and determined by the Board or authority aforesaid at such time and place as it shall appoint, of which reasonable notice shall be given to the complainant and to the Assessor or Assessors who made the assessment roll, and to the person the entry of whose name on the list is objected to, if he resides within the limits of the city or municipality (and, if not, such notice shall be openly posted up in the office of the said Clerk or Secretary-Treasurer for the information of all concerned), or to the person whose name is not entered on the said list, but ought to be entered thereon if the complaint be admitted ;

4. At the time and place so appointed as aforesaid, or any other time and place to which the hearing may be adjourned the said Board or authority shall, after hearing such of the parties notified as aforesaid as then and there appear, or without hearing any of them who fail so to appear, finally determine the complaint and affirm or amend the said list by entering thereon or erasing therefrom the said names, as after such hearing they think right ;

5. The said Board or authority shall hear and determine any such complaint as aforesaid, and correct the list of voters

according to such determination, and may adjourn the hearing in any case at pleasure, and may examine any party or any witness adduced by any party, or any documents or writings offered as evidence, and administer or cause any one of their number to administer an oath or affirmation to any party or to any witness adduced before them, or summon any person resident in the city or municipality to attend as a witness before them :—And if any person being so summoned shall fail to attend at the time and place mentioned in the summons (being tendered compensation for his time at the rate of fifty cents a day, such compensation to be paid by the party whom the said Board or authority condemns to the payment thereof), he shall thereby incur a penalty of twenty dollars, to be recovered with costs, to the use of the city or municipality, in any way in which penalties under By-laws can be recovered :

6. All the proceedings under this section shall be summary, and the Board or authority hearing any such complaint as aforesaid (whether in any city or in any other municipality) shall not be bound by any technical rules of proceeding or evidence, but shall proceed upon and determine such complaint to the best of their ability, in such manner as they deem most conducive to equity and the substantial merits of the case ;

14. Any person who has filed any complaint to the Board or authority for revising the lists of voters in any part of Lower Canada, or concerning whom a complaint has been filed, and who deems himself aggrieved by the decision of such Board or authority touching such complaint, may, within eight days after such decision has been given, appeal therefrom to the Superior or Circuit Court at its place of sitting in the Municipality or nearest thereto, by a petition setting forth briefly the grounds of appeal, and shall serve a copy of such petition on the Clerk or Secretary-Treasurer of the city or other municipality, who shall give reasonable notice thereof to the Assessor and other parties concerned.

2. Any Judge of the Superior Court shall have full power and authority to hear and determine such appeal in a sum-

such complaint,
and their pow-
ers to decide.
&c.

Evidence—
Oaths.

witnesses
compellable to
attend, &c.

Such proce-
dings to be sum-
mary, &c.

Appeal given
from the Revis-
ing Board to
the Superior or
Circuit Court.

Judge to hear
and determine
on such appeal

in a summary way.

His powers for that purpose.

His decision to be final.

Costs of appeal, how and against whom taxable.

As to evidence.

Appeal not to affect parts of list not appealed from.

List finally revised to be returned and posted up.

No one not upon it to vote.

mary manner either in term or vacation, at such time and in such way as he thinks best for ensuring justice to all parties, and may direct that any further notice be given to any party, if he thinks proper, and shall have the powers for summoning before him and examining on oath or affirmation, any party or witness and compelling the production of any document, paper or thing, and generally all other powers which are vested in the Superior or Circuit Court in relation to any matter pending before it, but shall not be bound to observe any form of proceeding, except such only as he shall deem necessary for doing substantial justice to all parties ;

3. The decision of such Judge shall be final and conclusive ; and the Clerk or Secretary-Treasurer having custody of the list of voters to which it relates, shall correct the same, if any correction be ordered by such decision, immediately on receiving a copy thereof certified by the Clerk of the Court by which it has been given ;

4. The costs of any such appeal shall be in the discretion of the Judge, and shall be taxed by him at such sum and for and against such parties respectively as he thinks right ; and any party in whose favour any such costs are taxed, may recover them from the party against whom they are taxed, by execution in the manner in which costs awarded by any judgment of the Court may be recovered ;

5. No evidence shall be received by the Judge on any such appeal, except such as he sees reasonable cause to think was adduced before the Board or authority to whom the complaint appealed from was made ; And the pendency of any such appeal shall not affect the validity of those parts of the lists of voters from which no appeal is made, but the same shall for all the purposes of this chapter be deemed finally revised and corrected so soon as the delay allowed for appealing has expired : And no proceeding on such appeal shall be void for want of form.

15. After any such list has been revised and finally corrected, it shall be restored to the Clerk or Secretary-Treasurer, who shall forthwith correct by it the copy posted up in his office ; and until another is in a future year made, revised

and corrected in its stead, those persons only whose names are entered upon such list, as finally revised and corrected, shall be entitled to vote at any election of a member of the Legislative Council or Assembly for the city or municipality for which it was made, or the electoral division of which such city or municipality forms part.

16. The Clerk or Secretary-Treasurer of any city or municipality as aforesaid, shall furnish to every Deputy-Returning Officer acting in such city or municipality, or in any ward or division thereof, a true copy or true copies, certified by such Clerk or Secretary-Treasurer, of the list of voters then last revised and corrected as aforesaid, or of so much thereof as relates to the locality for which such Deputy-Returning Officer is to act; and such Deputy-Returning Officer shall not receive the vote of any person as being a voter qualified by reason of his being entered on any assessment-roll, unless the name of such person is found upon the copy of the said list furnished to him. 22 V., c. 82, s. 5.

2. If at the time of any election, no list of voters for the current year has been made or exists, the Returning Officer and Deputy-Returning Officers for such election shall be furnished with the list of voters last made or existing, and shall govern themselves thereby; and such list shall have the same effect as if it were the list for the current year. 22 V. (1859), c. 10, s. 5.

3. If the Clerk or Secretary-Treasurer of any city or municipality in Lower Canada does not furnish to every Deputy-Returning Officer acting in such city or municipality, or in any ward or division thereof, a true copy or copies of the proper list of voters, or of so much thereof as relates to the locality for which such Deputy-Returning Officer is to act, the Returning Officer shall procure from the Registrar of the county or registration division, or if he be himself such Registrar shall furnish, a copy certified by him to be correct, of the then last list of voters for such municipality, part of a municipality or ward, filed in his office, and shall cause the same to be delivered to the Deputy-Returning Officer; and the cost of such copy shall be paid by the Clerk or Secretary-Treasurer in default, and

Copies of lists
to be furnished
to Deputy-
Returning
Officers.

If no list exists
for any year,
the then last list
to be taken.

If the list of
voters is not
furnished to
any Deputy-
Returning Offi-
cer, the Return-
ing Officer shall
procure it from
the Registrar

Cost, how paid.

may be recovered from him or from the municipality of which he is such officer, by the Returning Officer or Registrar who has procured or furnished such copy. 22 V. (1859), c. 10, s. 7.

No voting
where no list.

Proviso: For
the case when
Valuators ap-
pointed by the
Governor, un-
der the munici-
pal laws, ne-
glect to make
the valuation.

17. No voting shall be taken, nor shall any poll be held in any municipality in which no list of voters has been made:

2. But if the Valuators appointed by the Governor, under the Municipal Law in force in Lower Canada neglect to make the valuation required by the said law, the Governor shall, on the complaint of the Chief Officer of the Municipal Council, or of the Registrar of the county, or of two proprietors duly qualified to vote in the said municipality, appoint in their place other Valuators, who shall be required to make the said valuation in the manner in which it ought to have been made by the Valuators whose duty it was to have made it, and they shall in this respect have all the same rights and powers to exercise, and all the same duties to perform, and shall be bound under the same penalties in case of failure or neglect on their part, and the provisions of the said law shall apply to them in the same manner as to the first Valuators appointed by the Governor:—And the time to be allowed to the former Valuators as well as to those subsequently appointed by the Governor for making the said valuation, shall be twenty days from the day on which their appointment has been announced in the *Canada Gazette*;

If the Clerk,
&c., of any
Municipality
neglects to
draw up the
alphabetical list
required. &c.

3. And if the Clerk, Treasurer, or Secretary-Treasurer neglects to draw up the alphabetical list as required by the eleventh section of this Act, the Governor, on the complaint of the Chief Officer of the Municipal Council of the city or other municipality, or on the complaint of the Registrar of the county, or of two duly qualified voters of the said city or municipality, shall appoint a Clerk *ad hoc* to make the said alphabetical list, and the said Clerk *ad hoc* shall in that respect be vested with all the same rights and powers, and shall have all the same duties to perform, and under the same penalties in case of failure or neglect on his part, as the Clerk of the Municipality himself, and the Chief Officer and the other Officers of the said Municipal Council (in so far as it shall

depend on each of them) shall be bound to deliver up to the said Clerk *ad hoc* the said valuation-roll, under the penalties imposed by the twentieth section of this Act.

18. The list of voters mentioned in the eleventh section of this Act, shall be considered finally revised and corrected when it has been so revised and corrected by the authority of the Board of Revisors mentioned in the twelfth and thirteenth sections;

2. But if between the day of such final revision and correction, and any time before the issuing of a writ for the election of a member of the Legislative Council or Assembly, it be shown to any Judge of the Superior Court in Lower Canada, that the Clerk or the Secretary-Treasurer of a city or Municipality has altered or falsified the said list of voters as finally revised and corrected, or allowed the same to be altered or falsified, the said Judge shall summon the said Clerk or Secretary-Treasurer of the said city or Municipality, or other Officer in charge of the assessment or valuation rolls, to appear before him and to produce the same, together with the list of voters, and to undergo such an examination under oath as the Judge may require;

3. At the time and place appointed for the appearance of such person, the Registrar shall appear before the Judge, bringing with him the duplicate of the alphabetical list: And after an examination of the said roll and list, and with or without further proof, as he shall see fit, the Judge shall make such alterations and corrections in the said list and duplicate thereof as he considers necessary and proper, in order that the said list and duplicate may be in all respects similar to the list as finally revised and corrected. 22 V., c. 82, s. 5, and 22 V. (1859), c. 10.

List of voters to
be revised and
corrected by
Revisors.

Proviso : If
within a certain
time it be shown
to a Judge that
any such list has
been tampered
with, &c.

Rolls and list
to be produced
before the
Judge.

Judge to order
corrections, if
necessary.

(27 VICTORIA, CAP. 8.)

An Act to amend the law respecting the Qualification and Registration of Voters in Lower Canada.

(Assented to 15th October, 1863.)

Preamble.

WHEREAS Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Within what time the revised assessment roll must be made under sect. 19 of Con. Stat. Can., v. 6.

In default, Assessors to be appointed by the Governor to make it.

When the list of voters must be made.

1. The duties imposed upon Assessors by the tenth section of the sixth chapter of the Consolidated Statutes of Canada, shall be performed between the first days of June and August in every year in which a valuation roll is not required by law to be made; and if a revised and corrected assessment roll be not delivered by the Assessors of any Municipality to the Treasurer or Secretary-Treasurer thereof, on or before the first day of August in any such year, three Assessors shall be appointed by the Governor for that purpose, in the manner provided by the fifty-sixth section of the twenty-fourth chapter of the Consolidated Statutes for Lower Canada, and they shall revise, correct and return to the Treasurer or Secretary-Treasurer, as the case may be, the assessment roll of such Municipality, within fifteen days next after the date of their appointment; and such revised and corrected assessment roll shall, upon such return, be held to be revised, corrected and in force, within the meaning of the said sixth chapter of the Consolidated Statutes of Canada.

2. The duty of making an alphabetical list of voters, imposed by the eleventh section of the sixth chapter of the Consolidated Statutes of Canada upon the Clerk, Treasurer or Secretary-Treasurer of each city or local municipality, shall be performed within fifteen days next after the return to him of the valuation or assessment roll, or the revised valuation or assessment roll, as the case may be.

3. The Clerk, Treasurer or Secretary-Treasurer, as the case may be, of each city and municipality, shall deposit with the Registrar of the registration division in which such city or municipality is situate, within fifteen days after the completion of the voters' list, a duplicate thereof, certified and attested in the same manner as is required by law for the original voters' list, to be retained by him.

Duplicate of
list to be de-
posited with
Registrar.

4. The voters' list then last made and in force in the Cities of Montreal and Quebec, according to the requirements of chapter six of the Consolidated Statutes of Canada, or in any other municipality, according to the requirements of this Act and of the said chapter six, shall be the voters' list, a copy of which shall be furnished to each Deputy-Returning Officer, and which shall be used at any election of a member of the Legislative Council or Assembly, provided such list has been made, revised, corrected, and a duplicate thereof, duly certified, deposited in the Registry Office, at least one month before the date of the writ under which such election shall be held; and in case such duplicate has not been deposited in the Registry Office at least one month before the date of such writ of election, then the voters' list last previously made and in force, and a duplicate whereof had been deposited in the Registry Office at least one month before the date of such writ of election, shall be used; and no such copy shall be delivered to, or used by, any such Deputy-Returning Officer, unless there is upon such copy a certificate of the Registrar, that a duplicate of such list was deposited in his office at a date at least one month prior to that of the writ of election, which certificate the Secretary-Treasurer, the Returning Officer, or Deputy-Returning Officer, as the case may be, shall procure from the Registrar.

what voters'
list shall be
used at any
election.

Registrar's cer-
tificate required
on the list used.

5. Nothing in this Act contained shall prevent the lists of voters, made as aforesaid, from being revised and corrected in the manner prescribed by the twelfth, thirteenth, fourteenth and fifteenth sections of chapter six of the Consolidated Statutes of Canada.

Act not to pre-
vent revision
and correction
of list.

6. The actual assessed value of real property shall be the basis of the right of the owner thereof or of the person occu-

What shall be
the value by
which an own-

er's or tenant's
right to vote
shall be ascer-
tained.

pying the same as the owner thereof, to vote in respect thereof; and the annual rent or profit, derived by the owner of any real property from any other person leasing or occupying the same as tenant, shall be the basis of the right of such other person to vote as the tenant thereof; and the annual value ascertained by the Valuators, to any occupant within the meaning of chapter six of the Consolidated Statutes of Canada of the use of such property, shall be the basis of the right to vote as the occupant thereof.

*Sect. 17 of c. 6
Con. Stat. Can.
amended.*

No voting, un-
less list has been
made and de-
posited with
Registrar.

7. The first paragraph of section seventeen of the said chapter six of the Consolidated Statutes of Canada, shall be amended so as to read as follows: "No voting shall be taken, nor shall any poll be held in any Municipality in which no list of voters has been made and a duplicate thereof, duly certified, deposited with the proper Registrar at least one month before the date of the writ of election."

*Penalty for
refusal or
neglect to
comply with
this Act.*

8. Every Assessor or Valuator who shall refuse or neglect to revise the assessment or valuation roll, or to deliver the said roll so revised to the Secretary-Treasurer, on or before the first day of August in any year in which a new assessment or valuation roll is not by law required to be made,—every Clerk, Treasurer, or Secretary-Treasurer of a city, town, village, or other local municipality, who shall refuse or neglect to make the list of voters within the time limited by this Act, or to transmit to the proper Registry Office a duplicate of the lists of voters within the time limited by this Act, or to perform any duty imposed on him by this Act—shall be liable to a penalty of ten dollars for each day during which such Assessor, Valuator, Clerk, Treasurer or Secretary-Treasurer shall have refused or neglected to perform any such duty imposed on him by this Act.

*Limitation and
construction of
Act.*

9. This Act shall apply only to Lower Canada, and shall be construed as part of the said chapter six of the Consolidated Statutes of Canada.

(27 VICTORIA, CAP. 2.)

MILITIA.

(*Extract.*)

SERVICE ENROLLMENT IN LOWER CANADA.

10. The mode of enrolment of the Militia shall in Lower Canada be as follows, that is to say:—the Assessor or Assessors, Valuator or Valuators for each Municipality in Lower Canada, in which a valuation or assessment roll is made in each year, shall, annually, and the Assessors or Valuators in each Municipality in Lower Canada, in which such roll is not made annually, shall in each year after the present in which such roll is made, commencing with the year one thousand eight hundred and sixty-four, and at the same time when they are engaged in taking the assessment or valuation of real and personal property in their respective municipalities, include in their valuation or assessment roll, the names and residences of all male persons in their respective municipalities between the ages of eighteen and sixty years; and they shall prepare three additional columns in such valuation or assessment roll, which will be headed respectively “First Class Service Militia Roll,”—and “Second Class Service Militia Roll,”—and “Reserve Militia Roll.” And they shall insert in the “First Class Service Militia Roll” the names of all male persons of eighteen years of age and upwards, but under forty-five years, who are unmarried men and widowers without children; and in the “Second Class Service Militia Roll” the names of all persons of eighteen years of age and upwards, but under forty-five years of age, who are married men and widowers with children; and in the “Reserve Militia Roll,” the names of such persons as are forty-five years of age and upwards, but under sixty years; and the copy required by law to be made of any such valuation roll to be made by Assessors or Valuators.

Columns for the different classes of militiamen.

First class.

Second.

Reserve.

Copy transmit.

~~ted to Warden to contain such rolls.~~ tion or assessment roll for transmission to the Warden of the county, shall contain the additions herein specified; and in

addition to any oath or certificate required under the present or any future laws of this province, to be taken or given by such Assessor or Assessors, Valuator or Valuators, in respect to the assessment or valuation roll, there shall also be made and attached to the said roll the following certificate signed by such Assessor or Assessors, Valuator or Valuators:

~~Certificate to be attached to such rolls.~~

"I do certify that I have truly and faithfully and to the best

"of my knowledge, information and belief, set down in the

"above militia rolls, the names of all male persons within the

"Municipality of (*as the case may be*), liable to be enrolled for

~~And attested on oath.~~

"service by the militia laws of this Province;" and such

certificate shall be verified by him or them, upon oath, before

a Justice of the Peace.

~~Rolls to be sent to County Warden from certain municipalities in L.C.~~

11. As respects any city, town, or village municipality in Lower Canada, the assessment or valuation roll whereof is not by law required to be delivered to the County Warden, the Assessors or Valuators shall deliver a true copy, certified as aforesaid, of the militia rolls on any such valuation or assessment roll, to the Warden of the county in which the Municipality lies, within *fourteen* days after they have completed such roll.

~~Provision as to municipalities in Lower Canada where assessment rolls are not made yearly.~~

12. In those Municipalities in Lower Canada in which the valuation or assessment is not made yearly, the Assessors or Valuators shall, between the first day of February and the first day of May, in each year in which such roll is not made, make out militia rolls for the municipality, containing the particulars above mentioned, and shall certify the same as above directed and transmit them to the Warden of the county in which the municipality is situated, before the first day of June in each such year; provided always, that the Commander-in-Chief may, in any year, appoint any one or more officers of the militia to make such militia rolls in any parish,

township or other local municipality in Lower Canada; and in respect of such rolls the said Assessors and Valuators, and each of them, shall have the duties and the same powers for obtaining the requisite information, as they have with respect

~~Proviso: Officers of militia may be appointed to make such rolls.~~

~~Powers of officers making the rolls.~~

to the ordinary valuation or assessment rolls and the militia roll forming part thereof.

13. Provided always, That in all cases where the Commander-in-Chief shall find that a failure to make the Militia Roll for any Municipality has occurred, or sees reason to fear that such failure may occur, in any year, he may appoint one or more officer or officers of militia, resident within such Municipality, to make the Militia Rolls therein for such year: and such officer or officers shall then have, with respect to such rolls all the powers, and perform all the duties, and be subject to all the liabilities, which the Assessors or Valuators for such Municipality would otherwise have had or have been subject to, with respect to the same.

*Proviso:
Commander-
in-Chief may
cause the mil-
itia rolls to
be made by
Militia Officers
in certain cases.*

*Their powers
and duties.*

14. The Secretary-Treasurer of each County Council in Lower Canada, to whom the copies of the proper assessment, valuation or local militia rolls, shall for that purpose be forthwith, after their receipt, delivered by the County Warden, shall, within fourteen days after the receipt by him of such rolls carefully compile from them the County Militia Rolls, shewing the names and residences of those on the "First Class Service Militia Roll," "Second Class Service Militia Roll," and "Reserve Roll," and shall make and attach to the said Rolls the following certificate to be signed by him :

*Secretary-
Treasurer to
have the rolls
and make the
county roll
from them.*

"I do certify that I have truly and faithfully compiled *Certificate.*
"from the assessment, valuation and militia rolls of the several
"Municipalities in the County of the County
"Militia Rolls hereto appended."

And shall verify the same on oath before a Justice of the Peace, and such County Militia Rolls, so certified, shall be by the said Secretary-Treasurer forthwith delivered to the Registrar of the County, to be filed in his office for use as aforesaid; and the Secretary-Treasurer of such County Council shall be paid for the same at the rate of twenty-five cents for the compilation of the names and residences of every one hundred persons on the said County Militia Rolls.

*County rolls to
be given to
and kept by
the Registrar.*

*Fee to Secre-
tary-Treasurer.*

15. The several provisions of the Lower Canada Consolidated Municipal Act, and the Acts amending it, and the provisions of every special Act incorporating or governing

*Provisions and
powers for
making assess-
ment rolls, ex-*

tended to militia rolls. any town or city in Lower Canada, relative to assessments or valuations, shall be applicable to the enrolment of the Service Militia hereinabove mentioned, and shall, in so far as such enrolment extends, be read and deemed as part thereof, and every Assessor or Valuator shall, as regards the making of the said militia rolls, have the same duties and powers and the same liabilities, in case of any default on his part, as he has with regard to the assessment or valuation rolls.

Tavern-keepers, &c., to give all necessary information. 16. All tavern-keepers, keepers of boarding houses, persons having boarders in their families, and every master and mistress of any dwelling house, shall, upon the application of any Assessor or Valuator, give information of the names of all persons residing or lodging in such house, liable to be enrolled, and all other proper information concerning such persons as such Assessor or Valuator may demand.

27 AND 28 VICTORIA, CAP. 41.

(*Extract.*)

Jury Lists.

Sec. 4. Within two months from the time at which this Act comes into force, the Clerk or Secretary-Treasurer of every Municipality, any part of which is within ten leagues of

Copies of valuation rolls to be sent to the Sheriff of the district.

the place of holding the Court in the District in which such Municipality is situate, shall cause to be made and to be delivered without charge to the Sheriff of such district, at his office, a duly authenticated copy of the assessment or valuation roll of such Municipality, then in force therein for municipal purposes; or if such roll has been revised and corrected under the provisions of chapter six of the Consolidated Statutes of Canada, intituled: *An Act respecting Election of Members of the Legislature*, then of such roll as so revised and corrected:

Or of revised rolls, under cap. 6 Con. Stat. Canada

Sub-sec. 12 of sec. 4.—If any Clerk or Secretary-Treasurer of any Municipality fails to cause an authenticated copy of its assessment or valuation roll, or revised assessment or valuation roll, as the case may be, to be transmitted within the respective periods of two months, and free of charge to the Sheriff, as hereinbefore provided, the Sheriff shall procure the same from the Secretary-Treasurer; and he may recover from the Municipality his disbursements in and about procuring the same, including all travelling expenses of a messenger, if one be sent; together with a like amount by way of penalty for such failure, with costs, by suit in his own name, before any competent tribunal.

If the rolls be not transmitted in due time to the Sheriff.

Penalty.

(27 AND 28 VICTORIA, CAP. 60.)

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

(Assented to 30th June, 1864.)

WHEREAS the Corporation of the City of Montreal have ~~Preamble~~ by their petition represented that in consequence of the rapid extension of the City of Montreal, it has become necessary to make out a general plan of the said City, and to lay out, fix and determine the Public Streets and Squares opened or to be opened, continued, extended or widened, within the limits of the said City, and for that purpose to vest in the said City, incorporated under the name of the Mayor, Aldermen and Citizens of the City of Montreal, more ample powers than those conferred upon the said City, by its Act of Incorporation, and the Acts amending the same; and whereas much difficulty is oftentimes experienced in the carrying out of the laws now in force relating to expropriations, for the purposes of public utility, and the delays and loss of time consequent upon the defective working of the said laws: and whereas it is expedient to make certain changes and modifications in the municipal administration of the said City: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

DD¹

GENERAL PLAN OF THE CITY OF MONTREAL.

Corporation
to employ
surveyors to
lay out streets
of the city.

Proviso.

The said sur-
veyors may
enter upon
property.

They shall
make out
plans of
streets, &c.

They shall
place bound-
ary stones at
corners of
new streets.

The laying
out of streets
and plan may

1. It shall be lawful for the said Corporation, at any time, to cause Public Streets, Highways, Places and Squares, within the whole extent of the limits of the said City, to be laid out, fixed and determined at the City's expense, under the direction and supervision of the Road Committee and the City Surveyor, and to give a name to each of the said Public Streets, Highways, Places, and Squares: and for that purpose the said Corporation may employ a sufficient number of Surveyors or other competent persons who shall, with all due diligence, proceed to lay out, fix and determine under the direction and supervision aforesaid, and under as uniform a system as circumstances may admit, such Public Streets, Highways, Places and Squares, of such dimension, width and extent, as may appear to them most desirable for the public interest; Provided any such Highway or Street shall not be less than forty feet in width.

2. The said Surveyors or other persons employed in the exercise of the duties assigned to them, in and by the preceding section, may, and they are hereby authorized to, enter in daytime upon any property or real estate within the limits of the said City; they shall, under the direction and supervision aforesaid, make out plans or maps indicating the Streets, Highways, Public Places, and Squares now existing, as well as those which they shall lay out and determine, by and in virtue of the present Act; and they shall designate upon the said plans or maps, the new lines of the Streets, or sections of Streets, Public Highways, Places and Squares, that the said Corporation may have resolved to widen, in the interest of the public; and they are hereby enjoined to place solid and durable Boundary-stones at each angle or corner of the new Streets and Public Squares, and Places by them laid out and established; which said Boundary-stones shall be shewn upon the said plans or maps.

3. It shall be lawful for the said Corporation to cause the said Streets, Public Highways, Places and Squares, to be

laid out, and the plan or map thereof to be made for each Ward separately, according to the present division of the City, beginning by such Ward as may be deemed advisable; but the plans or maps of the different Wards of the said City shall be so made as to correspond with each other in such a manner as that, when completed, they shall make but one and the same plan, to be known as "The General Plan of the City of Montreal."

4. When the plan or map for any one of the Wards of the said City shall be completed, the said Corporation, by their Attorney and Counsel, shall apply, by summary petition to the Superior Court for Lower Canada, in the District of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented, in four newspapers, two of which, published in the French language and two in the English language, in the said City; provided that the said notice shall have at least two insertions in each of the said four newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice, and that of the presentation of the said petition; the same formalities shall be observed for the plan or map of each of the other Wards of the said City, as such plan is completed.

5. Every such plan or map of a Ward, when confirmed by the said Superior Court, shall be final, decisive and binding upon the said 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 said Streets, Public Places or Squares of the said City; provided that nothing con-

tained in this Act shall be construed as depriving the said Corporation of the right of widening or extending any of the Streets, Public Places or Squares designated in the said plan, after its confirmation, if deemed advisable so to do.

Duplicate of
plan provided
for.

6. A duplicate of each of the said plans shall be deposited immediately after its completion in the office of the Prothonotary of the said Court, and another in the archives of the said Corporation; and when such plan shall have been confirmed and ratified by the Superior Court as aforesaid, the City Clerk shall make an entry upon the duplicate of the said plan deposited in the archives of the said Corporation in the following words: "confirmed by the Superior Court on the _____ day of _____, one thousand _____. "

New streets,
when to be
opened.

7. The said Corporation of the City of Montreal shall have all the necessary powers to open to the public, whenever the said Corporation shall deem it advantageous to do so in the interest of the City, any new Street, Highway, Public Place or Square shewn on the said plans or maps, and also to widen any of the Streets, Public Places or Squares thereon indicated as widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments.

Term, new
streets, how
to be inter-
preted.

8. The designation of new Streets and Public Places or Squares, in and by this Act, applies to such Streets, Public Places or Squares as have not been opened and named before the passing of this Act.

Penalty for
interfering
with bound-
ary stones.

9. Any person who shall remove, or in any manner whatsoever injure, the Boundary-stones mentioned in the second section of this Act, shall be held as guilty of a misdemeanor and punishable accordingly; and it shall be competent for the Recorder's Court of the said City to take cognizance of, and adjudicate upon, such misdemeanors.

EXPROPRIATION AND SPECIAL ASSESSMENT.

Repeal of for-
mer enactments
relative to ex-
propriation, &c.

10. The sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first and seventy-fourth sections of the Act passed in the session held in the fourteenth and fifteenth years

of Her Majesty's reign, chapter one hundred and twenty-eight, the fourth section of the Act passed in the sixteenth year of Her Majesty's reign, chapter one hundred and twenty-eight, and the thirty-fifth, thirty-sixth, thirty-seventh and fifty-first sections of the Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, and generally all the provisions of the said Acts, or any other Acts, inconsistent with the enactments of the present Acts, shall be, and they are hereby severally repealed.

11. The Council of the said City of Montreal shall have full power and authority to order, by resolutions, the opening, extending or widening of Streets, Public Highways, Places or Squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the City's funds, or that the cost thereof shall be assessed in whole or in part, upon the pieces or parcels of land belonging to parties interested in, or benefited by the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said City, either by private agreement or amicable arrangement between the Corporation of the said City and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening Streets, Public Squares, Markets or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as a site for any public building to be erected by the said Council.

12. All Corporations or bodies, and all husbands, tutors, guardians, curators, *grevés de substitution* or trustees, who are or shall be seized or possessed of, or interested in any piece or pieces, lot or lots of ground or real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are, or shall be seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femmes covert* or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to

City Council
may order
opening or
widening of
streets, and
acquire land
for that pur-
pose.

Under what
formalities.

Corporations,
tutors, hus-
bands, &c.,
may sell and
convey to the
City Council.

the said Corporation ; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding ; and all Corporations and persons whatever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of or in pursuance of this Act, 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.

Mode of procedure in cases of expropriation.

13. In case the Council of the said City, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property within the limits of the said City, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said Corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

Notice of application to the Superior Court for appointment of Commissioners.

1. The Corporation of the said City, by their Attorney or Counsel, shall give special notice addressed through the Post Office to the person in whose name the property was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile, and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said City, which said notice shall have two insertions in each of the said newspapers, that they will, by and through their said Attorney and Counsel, present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the

District of Montreal, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as Commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said Corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*) ; and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition ; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof;

Said notice to
be posted on
property to be
expropriated.

2. The Court or Judge, as the case may be, to whom the said petition shall have been presented, shall appoint three Commissioners as aforesaid, and fix the day on which the said Commissioners shall begin their operations, and also the day on which they shall make their report ; provided always, it shall be lawful for the said Court, or the said Judge, to extend the said delays upon reasonable grounds being shown to that effect ;

Appointment
of Commis-
sioners by the
said Court.

3. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said Commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Superior Court to inflict upon each of the said Commissioners upon proof of his or their refusal or neglect to perform the said duties ; but the exemptions provided for, in behalf of certain persons, by the second section of chapter eighty-four of the Consolidated Statutes for Lower Canada, relating to Juries, shall apply equally to any of the said Commissioners, who may

Commission-
ers held to ac-
cept appoint-
ment under
penalty.

Exemptions.

appertain to any one of the classes of persons mentioned in the said last cited section ;

**City Surveyor
to furnish
Commissioners
with plan, &c.**

4. Immediately after the appointment of the said Commissioners, it shall be the duty of the City Surveyor to furnish them with a plan or map shewing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated;

**Commissioners
to be sworn.**

5. The said Commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked A ; and they shall be vested with the same powers and entrusted with the same duties as are conferred by the laws in force in Lower Canada upon experts in reference to appraisements ; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties ;

**Commission-
ers to be fur-
nished with
title-deeds of
lots to be ex-
propriated.**

6. The said Commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds ; and upon their failing to comply with such demands, the said Commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested ; and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation ;

**Procedure for
ascertaining
value of prop-
erty.**

7. It shall be the duty of the said 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 pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the City Council or for the damages caused by such expropriations ; and the same Commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected required for any improvement which the said Council may have ordered to be made or carried out at one and the same time ; and the said Commissioners are hereby authorized and required to hear the

parties and to examine and interrogate their witnesses as well as the members of the City Council and the witnesses of the said Corporation ; but the said examination and interrogatories shall be made *vivâ voce* and not in writing, and shall consequently not form part of the report to be made by the said Commissioners, any law, usage or custom to the contrary notwithstanding ; provided always, that if in the discharge of the duties devolving on the said Commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said Commissioners shall have the same force and effect as if all the said Commissioners had concurred therein ;

Examination
of parties and
witnesses.

8. In every case wherein the Corporation of the said City may have resolved to carry out and execute any of the works or improvements aforesaid, at the City's expense exclusively, the said Commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said Corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required ; and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said Commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation ;

Proviso: de-
cision of two
Commission-
ers to be
binding.

9. If one or more of the said Commissioners, at any time after their appointment, shall fail in the due performance of their duty, the increased value of the residue of the property to be taken into consideration in certain cases.

In case the
Commission-
ers fail in the

due performance of their duties, proceedings may be stayed, &c.

the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent, and impartial manner, it shall be lawful for the Corporation of the said City, by its Attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said Commissioners, and to remove and replace the Commissioner or Commissioners who may have forfeited or violated his, or their, obligations ; and upon such petition the said Court, or Judge, may issue such orders as may be deemed conformable to justice ;

In case of death, &c., of Commissioners, others to be appointed.

10. In case any of the said Commissioners should, after being appointed, die, or be 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 Corporation of the said 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 ;

Parties to be heard by Commissioners after public notice.

11. So soon as the said Commissioners shall have completed the proceedings relating to the appraisement, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, who may consider themselves aggrieved by the said appraisement, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said Commissioners to maintain or modify, at their own discretion, the appraisement made by them of any piece or parcel of land or real estate as aforesaid ;

Report of Commissioners to be sub-

12. On the day fixed in and by the judgment appointing the said Commissioners, the Corporation of the said City; by

their Attorney or Counsel, shall submit to the said Superior Court, or to one of the Judges thereof, respectively, the report containing the appraisement of the said Commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided for have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal.

14. In case any Street, Public Place or Square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said City, hereinbefore provided for, or if any Street, Public Place or Square shown and designated on the said plans or maps shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the Corporation of the said City may resolve to acquire for public purposes, from the time that the public notice mentioned in the sub-section number one of the next preceding section, shall have been posted upon the said pieces or parcels of land or real estate, as aforesaid.

15. The Corporation of the said City shall, within fifteen days from and after the confirmation and homologation of the report of the said Commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said Corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the Corporation of the said City, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or

mitted to the
Court for con-
firmation.

No appeal
afterwards.

No indemnity
granted for
Buildings
erected on
property
about to be
expropriated,
after posting
up of notice.

After the
confirmation
of Report,
Corporation
to deposit
amount of
compensa-
tion, &c.

Eff.-ct of de-
pos-it.

parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said Corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter on possession of, and use the same for any of the purposes authorized in and by this Act ; any law, statute or usage to the contrary notwithstanding.

*Mortgages on
land expro-
priated, re-
moved.*

16. Any expropriation made in virtue of the present Act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time ; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgagees or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act.

*Money, how
to be distri-
buted.*

17. When the money shall have been deposited and consigned in the hands of the Prothonotary, in accordance with the provisions of the next preceding section, the said Superior Court shall determine the mode of calling forth 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 shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors), the amount of such price or compensation and damages shall not be subject to the tax imposed by and in virtue of the twelfth Victoria, chapter one hundred and twelve, nor to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost.

*Proviso: com-
pensation not
liable to tax
under 12 V.
cap. 112.*

Exception.

18. All the provisions contained in the thirteenth section of the present Act with regard to the appointment of

*Provisions
extended to
compensation*

Commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the Corporation of the said City, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said Corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said Council, in the level of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any By-law of the said Corporation, or to any party by reason of any other act of the said Council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said Corporation shall not agree; and the amount of such compensation shall be paid at once by the said Corporation to the party having a right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated Street, Public Place or Square in the said City, without having previously obtained from the City Surveyor the level of such Street, Public Place or Square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said Council, through the Road Committee.

Parties to obtain proper level before building.

19. In all cases where, for the purpose of opening any Street, Square, Market-place or other Public Place, or for continuing, enlarging or otherwise improving the said Streets, Squares, Market-places, or other Public Places, or as a site for any public building to be erected by the said Corporation, the said Corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; Provided, nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out

Corporation may acquire a certain extent of land over and above portion required for improvement.

Proviso: extent limited.

of one or both sides of the said Street, Square, Market-place or site for any public building, in case the proposed improvement applies to both sides of such Street, Square, Market-place or site, as aforesaid ; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said Corporation taking or acquiring more

Proviso: party
may object,
and Corpora-
tion shall then
take only land
required for the
improvement.

than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said Corporation at least two days previous to the day fixed as aforesaid on which the said Commissioners are to begin their operations ; in which case the said Corporation can only take and acquire the piece or parcel of land required for the improvement and no more.

**Power to open
Streets, &c.,
beyond the
city limits.**

20. The Corporation of the said City may open, continue or widen any Streets or Highways, and establish Public Parks or Squares, beyond the limits of the said City, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act for similar improvements within the limits of the said City ; Provided, always, that before exercising any of the powers conferred upon it by the present section, the said Corporation shall be held to obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the Public Parks, Squares or Public Places to be opened or established as aforesaid.

Proviso: con-
sent of munici-
pality to be
first obtained.

22. So soon as the report of the said Commissioners shall have been confirmed and ratified by the said Court, or by one of the Judges thereof, as the case may be, conformably to the tenth sub-section of the thirteenth section of this Act, it shall be the duty of the Assessors of the said City, in all cases where the said Council may have ordered, in conformity with the eleventh section of this Act, that the cost of the said works or improvements shall be borne in whole or in part, by the proprietors or parties interested, benefited or to be benefited by the said works or improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited by such improvement; and the said Assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said Assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement.

23. Immediately after the completion of the said special assessment roll, the said Assessors shall deposit the same, duly certified along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the City Clerk, for the examination and inspection of all parties interested: and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said City, which notice shall have at least two insertions in one newspaper published in the French language, and a like number of insertions in one newspaper published in the English language; and every proprietor or interested party may, within fifteen days from and after the last insertion of the said

Assessment
Roll, when
completed, to
be deposited,
&c.

Public notice
to be given.

Revision of
Assessment
Roll.

Proviso.

notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said Assessors may, and they are hereby empowered to maintain or modify, at their discretion, the special assessment roll; provided that the delay of fifteen days aforesaid once expired, the said special assessment roll shall of right be confirmed and become in force by the mere lapse of time.

**Special as-
essment, how
recoverable.**

24. The special assessment mentioned in the next preceding section may be recovered by the Corporation of the said City in the same manner as any other tax or assessment which the said Corporation are authorized to impose by their charter and the several Acts amending the same.

**Duties may
be performed
by a majority
of the asses-
sors.**

25. The duties assigned to the said Assessors by the twenty-first and twenty-second sections of the present Act may be performed with the same force and effect by the concurrent majority of the said Assessors; and in every case where a difference of opinion may arise between the said Assessors, the decision of the majority of all the Assessors shall have the same force and effect as if the whole of the said assessors had concurred therein.

**New mode of
expropriation
extended to
improvements
ordered be-
fore passing
of this Act.**

26. The mode prescribed in the preceding sections for expropriations and for levying and determining special assessments shall have force and effect, and shall be followed and applied, not only as regards works and improvements which the Council of the said City may hereafter order to be carried out, but also with respect to all and every the works and improvements which the said Council may have resolved at any time before the passing of this Act to carry out.

**Local improve-
ments extend-
ed to stone
paving, &c.**

27. It shall be lawful for the Council of the said City to order, by resolution, certain works or improvements in the Streets, Public Places or Squares of the said City, such as dressed stone paving, flagstone or brick footpaths or sidewalks, or grading, and to defray the cost of the said works or improvements out of the City funds, or to assess the cost

thereof, in whole or in part, as the said Council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such Streets, Public Places or Squares, in proportion to the frontage of the said real estate respectively ; and in the latter case it shall be the duty of the City Surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said Council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid ; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court.

28. Every person without a domicile or place of business Who shall be deemed absent. within the limits of the said City, shall be deemed to be absent, within the meaning of the present Act.

29. Any Bailiff of the Superior Court for the District of Montreal, may serve and post up the notifications required Bailiffs authorized to serve notices, &c. by the present Act, and make a return thereof under his oath of office.

WIDENING OF NOTRE DAME STREET.

30. Whereas it has been found expedient and in the interest of the proprietors in Notre Dame Street, and also of the citizens of the City of Montreal generally, to complete the widening and enlarging of the said street, which may be considered as the leading thoroughfare of the said City, the said Corporation is hereby authorized to carry out the said improvement in the manner hereinafter prescribed :

1. Notre Dame Street, in the said City, shall be widened in its whole extent, from Dalhousie Square to McGill Street, to a uniform width of forty-four feet, French measure ; and the necessary ground or land for that purpose shall be taken on the north-west side of the said street, with the exception of a small portion at the extreme east end thereof, which requires to be widened on both sides ;

To be divided
into sections.

2. That said Notre Dame Street, for the purposes of the said improvement, shall be divided into four sections, as follows :

First Section: That portion of Notre Dame street lying between St. Lambert and St. François Xavier Streets, between St. Peter and Dollard (late Guillaume) Streets, and between Gosford and Bonsecours Streets ;

Second Section: That portion of Notre Dame Street lying between St. Peter and St. François Xavier Streets.

Third Section: That portion of Notre Dame Street lying between St. Lambert and St. Gabriel Streets, and between Dollard (late Guillaume) and McGill streets ;

Fourth Section: That portion of Notre Dame Street lying between St. Gabriel and Gosford Streets, and from Bonsecours Street to Dalhousie Square ;

One year al-
lowed for each
section.

3. One year shall be allowed to complete each section, the first year to begin from the date of the passing of this Act ;

Cost of im-
provement, by
whom borne.

4. One half of the cost of the said improvement shall be borne by the said Corporation out of the proceeds of the loan hereinafter provided for, or out of the general funds of the said City, and the other half by the proprietors in the said Notre Dame Street, by means of a special assessment to be levied as hereinafter provided, upon the real estate fronting on Notre Dame Street, the whole of which shall be held to have been equally benefited by the said improvement, and shall be equally rated or assessed to provide one-half the expense of the said improvement, as aforesaid ; and the assessed value of all real estate fronting on the said street for the present year (one thousand eight hundred and sixty-four), shall be held to be the assessed value thereof for all the purposes of the said improvement ;

Commission-
ers to take up
each section of
Notre Dame
Street *seria-
tim, &c.*

5. It shall be the duty of the said Commissioners, and they are hereby authorized, to take up each section of Notre Dame Street as aforesaid *seriatim*, but without intermission, and to complete their labours for the four sections as early as possible before the expiration of the present year one thousand eight hundred and sixty-four ;

6. In the appraisement or valuation to be made by the said Commissioners, of the pieces or parcels of land or real estate required to widen Notre Dame Street as aforesaid, no claim for damages arising from leases made after the passing of this Act shall be considered as valid or binding upon the said Corporation.

As to leases made after the passing of this Act.

31. After the confirmation and homologation of the report of the said Commissioners for each section of Notre Dame Street as aforesaid, the Council of the said City may levy, by By-law, a special rate or assessment on all real estate fronting on the said street, according to the assessed value thereof as aforesaid, sufficient to cover one-half the expenditure incurred in completing the widening of the section of Notre Dame Street referred to and embraced in the said report, which said special rate or assessment shall be payable at such period or periods as the said Council may fix and determine.

City Council may levy special assessment on real estate in Notre Dame street;

32. It shall be lawful for the said Council, by any such By-law, to extend the time or period fixed for the payment of the said rate or assessment, and to charge interest not exceeding seven per centum on the amount of all such rates or assessments for which a delay may be granted, as aforesaid.

And grant delay for payment of said assessment.

33. Any proprietor in the second, third or fourth sections of Notre Dame Street aforesaid, whose property, or a portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirmation and homologation of the report of the said Commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report by an acceptance of the terms or price set upon his property in the said report.

Proprietors in 2nd, 3rd or 4th sections may anticipate period fixed for the improvement.

34. For the purpose of enabling the said Corporation to meet its share of the expenditure to be incurred in widening Notre Dame Street as aforesaid, it shall be lawful for the said Corporation to effect a special loan, not to exceed One Hundred and Fifty Thousand Dollars, to be designated "The Notre Dame Street Loan."

Loan of \$150,000 for the Notre Dame street improvement.

MISCELLANEOUS PROVISIONS.

Loan of \$150,
000 to com-
plete the
drainage of
the city.

35. For the purpose of extending and completing the Drainage of the said City, it shall be lawful for the said Corporation to borrow, over and above the amount of the loan which the said Corporation is authorized to make in and by the provisions of the first section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter forty-four, such sum or sums of money, not exceeding One Hundred and Fifty Thousand Dollars, as the said Corporation may find it necessary or expedient to borrow for the extension and completion of the Drainage of the City.

Loan of \$60,-
000 for a new
Hay Market,

36. For the purpose of establishing a new Hay Market in the said City, it shall be lawful for the said Corporation to effect a special loan of Sixty Thousand Dollars, to be designated "The New Hay Market Loan."

Corporation
may issue de-
bentures for
the above
loans, their
form, &c.

37. It shall be lawful for the Corporation of the said City to issue under the hand of the Mayor and the seal of the said Corporation, debentures or Corporation bonds to the amount of the respective sums which the said Corporation is empowered to borrow, in and by the three next preceding sections, payable twenty-five years after the date of the issue thereof respectively, and bearing interest, payable semi-annually, on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures shall be headed with the words or title "*The Notre Dame Street Loan*," "*The Drainage Loan*," or "*The New Hay Market Loan*," as the case may be, to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient, and they may have coupons annexed to them for the half yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof when the half-yearly interest therein mentioned becomes due, and shall, on payment therof, be delivered up to the said Corporation; and the possession

Interest, cou-
pons, &c.

of any such coupons by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debentures or bonds; and as well the interest as the principal thereof are and shall be secured on the general funds of the said Corporation.

38. The amount which the said Corporation is empowered to borrow by the next preceding sections, may be borrowed either in this Province or elsewhere; and the principal sum, and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money or the currency of this Province, or in that of the place where the same shall be payable; and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

Amount of
loans may be
borrowed in
this Province
or elsewhere.

39. Whereas the mode hitherto adopted of enforcing payment of assessments, taxes, duties, water-rates and other City dues, by defaulters in the said City, has been found to be cumbersome and dilatory and attended with great loss to the revenue of the said City; and whereas it is expedient to adopt a more summary and effectual mode of recovering the same: therefore, upon the return by the City Assessors, of the assessment roll for any of the Wards of the said City, and the revision and completion of the same, or upon the return of any supplementary roll of assessment, the Treasurer of the said City shall give public notice (according to Form B, in the schedule hereunto annexed) in at least two newspapers published in the English language, and two newspapers published in the French language, that the said assessment roll or supplementary return is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or duty, are required to pay the amount thereof to him or his assistants, at his office in the City Hall, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

Recital.

Notice to
Rate-payers.

Form B.

**Special notice
to rate-payers
in arrears.**

Form C.

40. If at the expiration of the said twenty days any assessment, tax or duty remain unpaid, the said Treasurer shall leave, or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or duty, or with him personally, a statement in detail of the various sums and of the total amount of assessments, taxes or duties exclusive of water rates, and shall at the same time, in and by a notice annexed to such statement (according to Form C, in the schedule hereunto annexed), demand payment of the assessment, taxes or duties therein mentioned, together with the costs of the service of such notice, according to such tariff as the Council of the said City may establish.

**The preceding
section
not to apply
to non-resi-
dents.**

41. The provisions of the next preceding section shall not apply to persons residing beyond the limits of the said City; the said persons shall be bound to pay their assessments, taxes or duties, within thirty days after the public notice mentioned in the thirty-ninth section of this Act, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business.

**If parties ne-
glect to pay
for the space
of fifteen days
assessments to
be levied by
seizure and
sale.**

Form D.

42. If any person in the said City neglects to pay the amount of assessments, taxes, or duties imposed upon him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said City shall levy the same, with costs, by warrant to be issued by the Recorder's Court of the said City (according to Form D, in the schedule hereunto annexed), 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 within the said City; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or duties and costs, out of the proceeds thereof; provided always that any party having any hypothecque, lien, or privilege upon property real or personal out of the proceeds of which the said Corporation shall be paid any assessments due which shall have accrued in respect of other property, such party

**Subrogation
of parties hav-
ing hypothecques.**

shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said Corporation at the time of such payment in respect of such other property as to such assessments.

43. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Treasurer of the said City shall give public notice (Form E) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place at the entrance of the City Hall of the said City, at least forty-eight hours previous to such sale.

44. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or duties levied for and the costs attending the seizure and sale, the surplus shall be 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 other person by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments, taxes or duties the seizure was made, such surplus shall be paid to such claimant; and if such claim be contested, the surplus money shall be retained by the said Treasurer until the respective rights of the parties be determined by the Recorder's Court.

45. Within a week from and after the time appointed by any By-law of the said Council for the payment of the water rates imposed for any supply of water given or furnished from the Montreal Water Works in the said City, the Treasurer of the said City shall give public notice (according to Form F, in the schedule hereunto annexed) in at least two newspapers published in the French language, and two newspapers published in the English language, that the said water rates are due, and that all persons liable for the payment of any of the said rates are required to pay the amount thereof to him, at his office, within twenty days from the date of the last insertion of the said notice in the said newspapers: provided that the said notice shall have at least four insertions in each of the said newspapers.

Special notice
to water
tenants in
arrears.

Form C.

If water ten-
ants neglect
to pay rates
to be levied
by seizure
and sale.

City Clerk to
cease being
Clerk of Re-
corder's Court.

Clerk to be
appointed by
City Council.
His powers,
&c.

Certain judg-
ment of
Recorder's
Court to be
summarily
register'd.

46. If at the expiration of the said twenty days any of the said water rates remain unpaid, the said Treasurer shall leave, or cause to be left at the usual place of residence, domicile, office, or place of business of such person in arrear, or with him personally, a statement (according to Form C, in the schedule hereunto annexed) in detail of the various sums and the total amount of water rates due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the water rates therein mentioned together with the costs of the service of such notice, according to such tariff as the said Council may establish.

47. If any person in the said City neglects to pay the amount of water rates due by him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said City shall levy the same with costs in the same manner as unpaid assessments, taxes or duties are levied under the forty-second, forty-third and forty-fourth sections of this Act.

48. From and after the passing of this Act the City Clerk of the City of Montreal shall cease to Act *ex-officio* as Clerk of the Recorder's Court of the said City; but a fit and proper person shall be named and appointed during pleasure, by the Council of the said City, to act as Clerk of the said Court, with the same powers as those conferred upon the City Clerk, in relation to the said Court, by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and the Act sixteenth Victoria, chapter twenty-seven.

49. It shall not be necessary hereafter to register at full length the proceedings and judgments of the Recorder's Court of the City of Montreal, in so far as regards the prosecution and conviction of all persons charged with drunkenness or with any of the offences mentioned in the thirty-second section of the Act twenty-third Victoria, chapter seventy-two, intituled: *An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal;* but it shall suffice in such cases that a roll of all convictions before the said Court, giving the name of the Defendant, the date of conviction and

the nature of the offence, be kept, without further registration; any law or usage to the contrary notwithstanding.

50. The Council of the said City shall have power, in any By-law or Ordinance passed for any purpose set forth in the Act incorporating the said City, or any Acts amending the same, for enforcing the provisions thereof, to impose a Fine not exceeding Twenty Dollars and costs of prosecution, with Imprisonment in the Common Gaol or in the House of Correction, at hard labour, for a period not exceeding One Calendar Month.

51. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any Statute now or hereafter to be in force shall belong to and form part of the general fund of the said City, any law to the contrary notwithstanding.

52. If any person shall commit an assault and battery on any Police Officer or Constable appointed under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, in the execution of his duty, or shall aid or incite any person so to do, every such offender, upon being convicted thereof before the Recorder's Court of the said City, shall, for every such offence, forfeit and pay a Fine not exceeding Twenty Dollars and costs of prosecution; and shall, moreover be imprisoned in the Common Gaol or the House of Correction at hard labour, for a period not exceeding Two Calendar Months; Provided always, the said Court shall have the option to adjudge the said offender to the said fine and imprisonment with costs as aforesaid, or the said fine and costs; and in default of immediate payment of the said fine and costs, that the said offender be imprisoned at hard labour for a period not exceeding Two Calendar Months, unless the said fine and costs be sooner paid.

53. The Recorder's Court of the said City of Montreal shall have concurrent jurisdiction with the Circuit Court, or with any Judge of the Superior Court in the District of Montreal, as to matters between Lessors and Lessees, and

Fines and
penalties for
violation of
city by-laws.

Fines in the
Recorder's
Court to be
long to Cor-
poration.

Fine and pen-
alty for as-
saulting po-
licemen in the
execution of
their duty.

Proviso: as
to punishment
of offender.

Jurisdiction
of the Record-
er's Court ex-
tended to
cases between
lessors and
lessees.

may act in virtue of the Act of the Consolidated Statutes for Lower Canada, chapter forty, intituled : *An Act concerning Lessors and Lessees*, and of the Legislative provisions amending the same, in the same manner and with the same formalities, as the said Circuit Court, or any of the Judges of the said Superior Court, is directed to proceed in and by the above last cited Act, as regards the ejection of the Lessee for committing waste upon the premises or part of the premises leased, or for refusing or neglecting to pay his rent or any part of his rent, or for using the premises leased, contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired ; and the said Recorder's Court shall have and possess, to that end, all the necessary powers and authority including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which cost however shall not include any Attorney's fees ; Provided always that the competence of the said Recorder's Court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the said City.

Provision power limited to property of a certain value.

And also recovery of servant's wages, &c.

Recital.

54. The said Recorder's Court shall also have summary jurisdiction over all demands not exceeding twenty-five dollars for the recovery of wages and salaries of servants, journeymen, or labourers employed by the day.

55. Whereas by an Act of the Parliament of this Province, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-two, the property, estate, chattels and effects bequeathed by the late John Conrad Marsteller, for the purpose of establishing in the said City of Montreal a House of Industry, were transferred from the hands of the late Wardens of the House of Industry, to and made to vest in the said Corporation of the City of Montreal ; and whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property, will be more effectually accomplished by transferring the said

property to a duly established and permanent institution or institutions in the said City, having for object to relieve and assist the poor: therefore, it shall be lawful for the Corporation of the said City, at any time after the passing of this Act, to transfer all and every the estates, property, moneys, chattels and effects vested in and now in the hands and possession of the said Corporation, as aforesaid, to any duly established and permanent institution or institutions, in the said City of Montreal, having for object to relieve and assist the poor, and provided with a House of Refuge, with power to hold, use, appropriate, sell and dispose of the said estates, property, moneys, chattels and effects to the best advantage possible, for the exclusive purposes of a House of Night Refuge, notwithstanding anything contained in the said last cited Act; provided, however, and it is hereby expressly enacted, that in any institution or institutions to which a transfer may be made of the said estates, property, moneys, chattels and effects, or any part thereof, under the provisions of this section, admission shall be given to the poor, indiscriminately and without any distinction of creed or nationality.

City Council authorized to transfer estate of late J. C. Marsteller, to certain institutions.

Proviso: condition of transfer.

56. Whereas the Corporation of the said City is authorized Recital. in and by the Act passed in the twenty-seventh year of Her Majesty's reign, chapter fifty-four, to aid the Grand Trunk Railway Company of Canada in the establishment of a City Terminus at or near Chabotillez Square, in the said City of Montreal, by means of a grant of money to the amount of fifty thousand dollars; and whereas it is deemed more expedient that the said grant should be applied towards purchasing the necessary ground to be acquired for establishing the said railway terminus: therefore it shall be lawful for the Corporation of the said City to purchase and acquire, in the same manner as the said Corporation is authorized to acquire or expropriate property or real estate for the opening or widening of streets generally, in and by the present Act, all pieces or parcels of land or real estate required to establish, enlarge, or improve the said terminus, and to connect the rails of the said Company with the harbour of the said City from any point not more than four hundred feet beyond the south-western limits of the said

City Council authorized to acquire property to the extent of \$50,000 for the Grand Trunk Railway City Terminus.

Proviso.

City ; provided however, the price or compensation to be paid by the Corporation of the said City for the said pieces or parcels of land or real estate, to be acquired as aforesaid, shall not exceed the said sum of fifty thousand dollars and that the excess of cost over or beyond that amount, if any, shall be borne and paid by the said Company.

Council to have power to be used, regulate or prohibit musical saloons, &c.

57. In addition to the subjects for which the Corporation of the said City is authorized to pass By-laws, in and by the tenth section of the Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, shall be included musical saloons or establishments wherein intoxicating liquors are sold, and wherein instrumental music or singing, or both, are used as a means of attracting customers ; and the Council of the said City shall have power and authority, by any such By-law to license, regulate or prohibit any such musical saloons or establishments, under such conditions and restrictions as the said Council may deem expedient to impose in the interest of the public.

To make rules and regulations for the erection of buildings.

58. The Council of the said City shall have power, from time to time, by a By-law or Ordinance, to make such rules and regulations, as to the erection and construction of houses or buildings of any description whatsoever, as the said Council may deem expedient for the safety of the citizens, or for preventing accidents by fire, or for the embellishment or better appearance of the said City, and also for the regulation of the height of the chimneys of factories so as to render such factories as little injurious as possible to the health of the citizens ; and by any such By-law or Ordinance, the said Council may appoint one or more fit and proper persons whose duty it shall be, and who are hereby authorized, to visit and examine at suitable times and hours, to be established in such By-laws, as well the interior as the exterior of all such houses or buildings in the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed ; and the said Council may also, by any such By-law or Ordinance, impose such fines not exceeding Twenty Dollars, with Imprisonment not exceeding Two

Calendar Months unless such fine be sooner paid, as they may deem expedient for enforcing the same.

59. All the provisions of any law or laws inconsistent with the provisions of this Act shall be and the same are hereby repealed; and the present enactment shall not have the effect of reviving any Act or part of an Act repealed by the said law or laws.

60. Nothing herein contained shall be construed to repeal any By-law heretofore made under any Act or part of an Act or provision of law hereby repealed; and notwithstanding such repeal, every such By-law now in force shall have the same force and effect as if this Act had not been passed.

61. This Act shall be a Public Act.

Public Act.

FORM A.

"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."

FORM B.

Public notice is hereby given that the Assessment Roll of the City of Montreal, for the _____ Ward of the said City, (*or* the supplementary roll of Assessment for the Ward of the said City) 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 assessment, tax or duty, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

CITY HALL,
Montreal, (*date.*)

City Treasurer.

FORM C.

CORPORATION OF MONTREAL. CORPORATION OF MONTREAL.

<i>Mr.</i>	<i>Mr.</i>
COPY OF ACCOUNT.	<i>To the Mayor, Aldermen and Citizens of the City of Montreal,</i>
Notice Served, \$	
(<i>Date of Notice.</i>)	To Assessment, &c, or Water Rates, &c.
Costs,	(<i>Here State Account.</i>)
Notice,	\$
	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, (Signature)

Notice, *City Treasurer.*
[
]

FORM D.

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

The Recorder of the City of Montreal:

Debt.....\$		To any Bailiff of the Recorder's Court of the City of Montreal, in the said City and District of Montreal.
Costs		
Warrant		

that such proceedings may be had therein, as to law doth appertain.

Y. X.
Clerk of the
Recorder's Court.

Given under the hand of the Clerk
of the said Recorder's Court at Mon-
real aforesaid, this day of }
in the year of our Lord }

FORM E.

Public notice is hereby given that on next, the
day of instant, (*or next*,) the goods and
h 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:—

(Signature,) CITY HALL,
Montreal, (*date.*)

City Treasurer.

FORM F.

Public notice is hereby given that the Water Rates for the current year are now due; and all persons liable to pay the same, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this date, without further notice.

CITY HALL,
Montreal, (date.)

27 AND 28 VICTORIA, CAP. 56.

**An Act to regulate the Storing of Gunpowder
in and near the Cities of Montreal and
Quebec.**

[*Assented to 30th June, 1864.]*

WHEREAS life and property are exposed to serious Preamble. injuries from the storage of Gunpowder in private magazines, and the conveyance of Gunpowder to and from such magazines, in and near the Cities of Montreal and Quebec : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Council of each of the said Cities of Quebec and Montreal shall have power and it shall be their duty to make and enforce By-laws for regulating the keeping and transporting of Gunpowder or other explosive or dangerous materials, as well within the said Cities and each of them as within five miles of the boundaries of the said Cities respectively ; for regulating and providing for the support by fees, of magazines for storing Gunpowder belonging to private parties ; for compelling all persons to store therein ; for acquiring land as well within as without the limits of the said Cities (within the distance aforesaid), for the purpose of erecting such magazines ; for granting licenses to keep such magazines ; for limiting the quantity of Gunpowder which shall be stored therein, and for the continuous inspection and supervision of such magazines ; Provided always that no person shall store, keep or have within either of the said Cities, nor within five miles from the boundaries of either of them, any quantity of Gunpowder exceeding twenty-five pounds in weight, at any one time, in any house, building or place other than a building of

Powers of Councils of Quebec and Montreal as to the storage and transport of gunpowder extended to a distance of five miles outside the said cities.

Proviso:
Gunpowder to be stored only in a certain way within the said limits.

stone covered with metal, made fire-proof, surrounded by an external wall of stone or brick, at least ten feet high, and separated from the said magazine by a clear distance or space of ten feet at least, with one opening only in such wall, with copper fastenings.

Forfeiture for contravention.

2. All Gunpowder stored or kept, contrary to the provisions of the next foregoing section, or of any By-law made under it, shall be forfeited.

Penalties to be imposed by By-laws.

3. The By-laws of the said Councils respectively may impose such penalties, not exceeding two hundred dollars fine nor more than thirty days imprisonment, or both, for each offence, as they may deem necessary for enforcing the same, and may provide in what manner the forfeiture specified in the second section of this Act may be enforced ; and for all the purposes of this Act the jurisdiction and powers of the Council of each of the said Cities, and of the Recorders, Judges of the Sessions of the Peace, and other Officers and Police thereof, shall extend and apply to the tract of land lying within five miles of each of the said Cities, respectively as if such tract were included within the limits thereof; anything in any Act or law to the contrary notwithstanding.

Powers of Councils, recorders, Police &c. extended to the said limits.

4. This Act shall not apply to nor affect any magazines belonging to Her Majesty nor to the conveyance of Gunpowder and stores to and from Her Majesty's magazines by Her Majesty's forces on military service.

Act not to apply to Her Majesty's magazines.

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