



ANNO OCTAVO  
VICTORIÆ REGINÆ.

CAP. LIX.

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.

[29th March, 1845.]

**W**HEREAS it is expedient to amend and consolidate the provisions contained in a certain Ordinance of the Legislature of the heretofore Province of Lower Canada, made and passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to Incorporate the City and Town of Montreal*, and in a certain other Ordinance of the Legislature of the heretofore Province of Lower Canada, made and passed in the same year of Her Majesty's Reign, intituled, *An Ordinance to amend the Ordinance to Incorporate the City and Town of Montreal*, and to vest certain further powers in the Corporation constituted by the said Ordinance herein 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, 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

Preamble.

Ordinance of  
3 & 4 Vict. c.  
36, cited.

Ordinance of  
4 Vict. c. 32,  
cited.

Corporation  
continued.

" *The*

General corporate powers granted.

“ *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, Moveable and Immoveable 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.

Limits of the City of Montreal defined.

II. 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.

City divided into nine Wards.

III. 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's Ward, Saint Lawrence Ward, Saint Louis Ward, Saint James Ward, and Saint Mary's Ward.

Boundaries of the several Wards.

IV. And be it enacted, That the said Wards of the City of 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 to the River or point of departure.

The

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 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. Centre 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 Grey Nuns' Street ; on the south-west by the middle of the said Grey Nuns' Street to the middle of William Street, to the bottom of McGill Street, continuing on the south-west by the middle of McGill Street, and by the middle of Commissioners' Square to Fortification or Glacis Lane, thence westerly to where Fortification or Glacis Lane joins the middle of Saint Radegonde Street, and thence by the middle of Saint Radegonde Street 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. West Ward.

The *Saint Anne's Ward* : on the north-east by the centre of Grey Nuns' Street, commencing at the River Saint Lawrence, and continuing to William Street, thence east-wardly along the centre of William Street till it intersects the centre of McGill Street, thence north along the centre of McGill 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. St. Anne's Ward.

The *Saint Antoine Ward* : on the north-east by the centre of McGill Street, and continuing to Commissioners' Square, and by the middle of Commissioners' Square to Fortification Lane, thence westerly to where Fortification Lane joins the middle of Saint Radegonde Street, thence by the middle of Saint Radegonde Street to Lagachetière Street, thence the north-west side of the centre of Lagachetière Street until intersecting the centre of Alexander Street, thence the south-west side of 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 St. Antoine Ward.

the south-west side of the centre of Durocher Street, and the extension of the same to the 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 McGill Street, the point of commencement.

St. Lawrence.  
Ward.

The *Saint Lawrence Ward*: on the north-west side of the centre of Craig Street, commencing at Saint Lawrence Main Street, and continuing to Saint Radegonde Street, thence the north-east side of the centre of Saint Radegonde Street to Lagauchetière Street, thence the south-east side of the centre of Lagauchetière Street 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.

St. Louis  
Ward.

The *Saint Louis Ward*, 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.

St. James  
Ward.

The *Saint James Ward*: 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 Panet Street, thence continuing the said line of the centre of Panet Street in a south-east direction until the same shall reach the River Saint Lawrence, and thence along the said River to the place of beginning.

The

The *Saint Mary's Ward*: the north-east side of the centre of Panet Street, commencing at the River Saint Lawrence, and continuing 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.

St. Mary's  
Ward.

V. 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 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.

Mayor, Aldermen, and Councillors to be elected and to be called the Council of the City.

VI. And be it enacted, That no person shall be capable of being elected an Alderman 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 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.

Qualification for Alderman.

VII. 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.

Qualification for Councillor.

VIII. 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.

Persons incapable of filling the office of Mayor, Alderman or Councillor, &c, or of voting at any election of City Officers.

IX. 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, nor any Officer or person presiding at an election of a Councillor

Persons incapable of being elected Councillors.

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.

Qualification  
of Voters at  
the Election  
of Councillors.

Dwelling-  
house in the  
Ward, on 1st  
January be-  
fore the Elec-  
tion, of the  
value of £3  
rental.

Residence of  
one year in the  
City previous  
to 1st Jany.  
before such  
Election and  
of three  
months within  
the Ward.

And to have  
been assessed.

Part of dwell-  
ing house, if  
of £3 rental,  
and having a  
separate com-  
munication  
with the street  
to be deemed  
a dwelling-  
house, accord-  
ing to this Act.

Co-partners,  
—not house-  
holders, but  
occupying pre-  
mises that are  
rated for as-  
sessment  
which is paid  
up,—to be en-  
titled to vote.

Voters must  
have paid all  
assessments  
due, before  
they can vote.

X. And be it enacted, That the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons, being inhabitants within the Ward for which such election shall be had, as shall severally be possessed, on the first day of January next preceding such election, of a dwelling-house within the said Ward, held by them respectively in freehold, or for a term of years, or for a term not less than one year, the annual value whereof, if held in freehold, or the rent paid therefor, if otherwise held, shall not be less than eight pounds, current money of the said Province, and who shall have been resident within the said City during one year or more previous to the first day of January next before any such election, and who 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 any such election, and who shall have been rated and assessed, to and in respect of the rates or assessments laid under the Laws and By-Laws in force on the first day of January next preceding any such election; and part of a dwelling-house in which an inhabitant shall reside as a householder, and not as a boarder or lodger, and having an outer door, by which a separate communication with the street may be afforded, shall be considered a dwelling-house, within the meaning of this enactment, provided the annual value thereof, or the rent paid therefor as aforesaid, be not less than eight pounds, current money aforesaid, per annum, and every male person, though not a householder, who shall have been resident in the said City during one year next before the first day of January preceding any such election of Councillors, and who, either individually or jointly as a co-partner with any other person or persons shall have occupied any Warehouse, Counting-House or Shop, within any of the said Wards of the said City, during three months next before the first day of January preceding such election, and shall have been rated for not less than one year in respect of such premises for such rate or assessment as aforesaid, shall, whether the year for which he may so have been rated be or be not expired, provided the rate or assessment for that year be paid, be entitled to vote at the election of Councillors to be had in the Ward in which such premises shall be situated: And provided also, that no such inhabitant, householder or occupier of a Warehouse, Counting-House or Shop, within the said City, shall be entitled to vote at any such election of Councillors, unless he shall, on or before the first day of January next before the holding of any such election, have paid the amount of all rates and assessments within the said City of Montreal, that may have been due and payable by him, up to the first day of January next before the holding of any such election.

XI. And be it enacted, That it shall be lawful for the said Council of the said City, by a By-Law or By-Laws to be enacted in this behalf, to make provision for the making of lists or a registration of all persons qualified to vote at elections of Councillors and other City Officers in the said City, whereby the right to vote at such elections may be determined; and until such provision shall have been made by such By-Law or By-Laws, every person desirous of voting at any election of Councillors as aforesaid, shall, before he be permitted to vote, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election; which oath the officer or person holding such election is hereby authorized and required to administer.

Lists to be made of persons qualified to vote.

XII. And be it enacted, That after provision shall have been made by a By-Law or By-Laws as aforesaid, for the making of lists or a registration of persons qualified to vote, whereby the right in individuals to vote may be determined as aforesaid, every person desirous of voting at any election of a Councillor or Councillors as aforesaid shall, before he be permitted to vote, produce a certificate, under the hand of the proper officer, of his qualification pursuant to any such By-Law, and shall, if required by the officer or person holding such election, or by any person qualified to vote at the same, take the following oath, which the said officer or person holding such election is hereby authorized and required to administer, that is to say:

After lists are made out, voters to produce certificates.

“ I do swear that I am the person described in the certificate that I now produce, and that I have not before voted at this election: So help me God.”

Oath required after such certificate is obtained.

XIII. And be it enacted, That if any person shall knowingly swear falsely, as to any of the particulars of his alleged qualification, in pursuance of the preceding eleventh section of this Act, or if he shall knowingly swear falsely in taking the oath prescribed by the preceding twelfth section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by Law, in cases of wilful and corrupt perjury.

Any person swearing falsely as to qualification, &c., to be deemed guilty of perjury.

XIV. And be it enacted, That persons entitled to vote at the election of 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, entitling him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

In what Ward an Elector may vote.

XV. And be it enacted, That the said several Wards shall be represented in the Council of the said City as follows, to wit: the said East Ward, Centre Ward and

Number of Councillors to be elected for

the several  
Wards estab-  
lished.

and West Ward, by three Councillors each; and the said Saint Ann's Ward, the said Saint Antoine Ward, the said Saint Lawrence Ward, the said Saint Lewis Ward, the said Saint James Ward, and the said Saint Mary's Ward, respectively, by two Councillors each.

The term of  
office of the  
present Coun-  
cillors of  
Queen's, St.  
Lawrence and  
St. Mary's  
Wards deter-  
mined.

XVI. And be it enacted, That the term of office of the several Councillors now representing the Queen's Ward, the Saint Lawrence Ward, and the Saint Mary's Ward, in the said Council, shall expire and be determined on the first day of March, which will be in the year of our Lord, one thousand eight hundred and forty-six, and the said Councillors so as aforesaid representing the said several Wards, to wit, the said Queen's Ward, the said Saint Lawrence Ward, and the said Saint Mary's Ward, in the said Council of the said City, shall all then severally go out of office.

Regulations as  
to the elections  
of Councillors  
and Assessors  
for the several  
Wards, in  
March, 1846.

XVII. And be it enacted, That on the first day of March, which will be in the year of our Lord, one thousand eight hundred and forty-six, the inhabitant householders, and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and 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 Ann's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Lewis Ward, the Saint James Ward, and the Saint Mary's Ward, respectively, and also from the persons qualified to be Councillors for each of the other three Wards, namely, the East Ward, the Centre Ward, and the West Ward, respectively, such number of persons as shall be required to supply the place of those who shall then go out of office, and also from the persons qualified to be Councillors as aforesaid, two fit and proper persons to be Assessors for each of all the said Wards, respectively, and that on the first Monday of the month of March in every succeeding year, the inhabitants and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the persons qualified to be Councillors, for each of such Wards, such number of fit and proper persons as shall be required to supply the places of those who shall then go out of office, and also from the persons qualified to be Councillors, as aforesaid, two fit and proper persons to be Assessors for each of the said Wards, respectively: Provided always, that if the day so appointed for such election shall in any year happen to be a holiday, such election shall take place on the day following.

And as to fu-  
ture elections.

Proviso, as to  
Holidays.

Councillors for  
certain Wards  
to be elected  
every two  
years.

XVIII. And be it enacted, That no Councillor to be hereafter elected for any of the said Wards hereinbefore designated as the Saint Ann's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Lewis Ward, the Saint James Ward and the Saint Mary's Ward, shall continue in office without being re-elected



re-elected for any longer period than two years, and that on the first day of March in each and every year, a Councillor for each and every of the said Wards shall go out of office, and that on the first day of March, which will be in the year of our Lord, one thousand eight hundred and forty-seven, that Councillor for each of the said Saint Anne's, Saint Antoine, Saint Lawrence, Saint Louis, Saint James and Saint Mary's Wards, shall go out of office, who shall have been elected by the smallest number of votes, in each of the said Wards, in the year of our Lord, one thousand eight hundred and forty-six; and thenceforward those Members of the Council for each of the said Wards respectively, shall go out of office, who shall have been Members thereof for the longest time without re-election: Provided always, that if any two Members of the Council for any of the said Wards shall have been elected by an equal number of votes in the said year, one thousand eight hundred and forty-six, or if no poll shall have been taken in any of the said Wards in the said year, then it shall be determined by a majority of the Council, which of the Members thereof for such said Ward shall go out of office in the year one thousand eight hundred and forty-seven: Provided also, that if, on the first day of March, in the year one thousand eight hundred and forty-seven, or any subsequent year, there shall be a vacancy in the office of any Member of the Council for any of the said six Wards, hereinbefore enumerated, who would not, under the provisions of this section, have gone out of office on that day, then a Member of the Council shall be elected for the said Ward or Wards 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 further, that any Member going out of office may be re-elected, if then qualified, according to the provisions this Act.

XIX. 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 forty-six, and in each succeeding year, the said Council shall elect out of the inhabitants in each Ward, qualified to be Councillors as aforesaid, a fit and proper person to be a third Assessor for each of the said Wards; which said three Assessors, to wit, the two Assessors to be so as aforesaid elected by the inhabitants, and persons qualified to vote as aforesaid, in each Ward, and the said third Assessor to be so as aforesaid elected by the said Council, shall not, in the performance of the duties vested in and imposed upon them by law, base their proceedings, estimate or assessment of property, on a fancied value or rental thereof, as has heretofore often been done, but that they, the said Assessors be, and they are hereby required to determine the assessment to be made by them, on the interest of the actual value of the property assessed, or upon the actual and *bonâ fide* rent thereof; and when property to be assessed is in the occupation of the proprietor or 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

How the Councillors going out of office shall be determined.

Proviso, as to an equal return, or no poll.

Proviso, as to vacancies occurring in six Wards beyond the cases of retiring members.

Councillors going out of office may be re-elected, if qualified.

A third Assessor to be elected by the Council.

The course of proceeding in making such assessment, to be adopted by the Assessors, described.

rent which the said property is worth, and would obtain were the same to be leased by the said proprietor or proprietors thereof, at the time the said property is assessed; and all vacant and unoccupied lots of land within the limits of the said City, facing or bordering on streets, shall be assessed as follows, to wit: the said Assessors shall value the same to the extent of one hundred feet in depth from the line of the streets on which the same shall face or border, and no further, and the assessment shall be made on the interest of the said valuation by the said Assessors, and not upon any presumed or imaginary revenue derived from the said vacant lots.

No person can serve as Councillor for more than one Ward.

XX. And be it enacted, That if at any election of a Councillor 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.

By whom Elections are to be held.

Refusal to accept appointment to subject the party refusing to a penalty.

How and when acceptance of appointment is to be notified.

New appointments, in case of refusal to be made.

Proviso, as to proceedings had by a party neglecting to accept, but acting in his capacity, and still subject to the penalty for neglect of acceptance in legal form.

XXI. And be it enacted, That all elections of Councillors, to be had under the provisions of this Act, shall be held at convenient places in the said several Wards of the said City, and shall respectively be held by and before such of the Aldermen or Councillors of the said City as may, by the Mayor of the said City for the time being, be appointed, or, in the case of vacancy in the office of Mayor, by the Council of the said City; and any and every Alderman or Councillor, so appointed under the provisions of this Act, who shall refuse or neglect to accept such appointment, or who shall refuse or neglect to perform the duties resulting from such appointment, or any one or more of those duties, shall pay to the Treasurer of the said City a fine of fifty pounds, currency; and every Alderman or Councillor so appointed under the provisions of this section, shall accept such appointment, by serving a notice in writing to that effect upon the City Clerk, within forty-eight hours after notice given to him of his appointment by the Clerk of the said City, and in default of such acceptance in writing, shall pay the fine aforesaid of fifty pounds, currency, as for his non-acceptance; and thenceforward, if such appointment be not accepted as aforesaid, or if the duties thereof be not fulfilled within the proper time, a new appointment may be made by the Mayor, or, in case of a vacancy in the office of Mayor, by the Council of the said City; and after such new appointment shall have been made, either by the Mayor or Council, but not before, the appointment previously made of the Alderman or Councillor in default, shall be void and of no effect: Provided always, that the neglect of any Alderman or Councillor to accept such appointment, in writing, as aforesaid, if he in other respects discharge the duties resulting from such appointment, shall not invalidate any act or thing done by him under such appointment, although such neglect shall subject the party so in default to the penalty aforesaid.

XXII.

XXII. And be it enacted, That any Alderman or Councillor, so appointed to hold any such election, shall have power to nominate and appoint, in writing under his hand, a fit person or persons to act and assist him as Clerk or Clerks at the Poll; and the person so appointed, before acting, shall take the following oath, which such Alderman or Councillor is hereby empowered and required to administer, that is to say :

Clerk or clerks to be named to assist at poll.

“ I, A. B. having been named by C. D. (Alderman or Councillor, as the case may be,) to act as Clerk, at the ensuing election of a Councillor or Councillors for the Ward, (as the case may be,) do solemnly swear, (or, being a Quaker, do solemnly affirm,) that I will faithfully, and to the best of my ability, fulfil all the duties imposed on me by law, under and by virtue of my said appointment, without partiality, fear, favour or affection : So help me God.”

Oath to be taken by Poll Clerk.

XXIII. And be it enacted, That at elections of Councillors as aforesaid, the Poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day; and the name of each elector voting at such election shall be written in Poll Lists, to be kept at such election, by the officer or person holding the same; and after finally closing the Poll at any such election, the officer or person by whom the same shall be held shall forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favor, to be duly elected Councillor or Councillors as aforesaid; and if there should be, at the final closing of the Poll as aforesaid, an equal number of votes polled for two or more persons to be Councillors as aforesaid, it shall be lawful for the officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority for one of them, and determine the election; and the Poll Lists kept at such elections shall, by the officers or persons holding the same, be delivered, within three days after the conclusion of every such election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector, on the payment of a fee of one shilling.

Manner of proceeding at elections.

Presiding officer to have a casting vote in case of an equality of votes.

Poll lists to be delivered to the City Clerk within three days, and to be open to inspection on payment of a fee

XXIV. And be it enacted, That each and every person who shall at any election of a 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, by violence, menace, or malicious practice, or in any manner or way whatsoever, 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, on conviction

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

nor to act violently;

nor disturb the election;

nor to prevent electors voting;

thereof,

under a penalty.

thereof, forfeit and pay the sum of twenty-five pounds, current money of this Province, for every such offence.

Persons holding elections to have power to maintain peace.

Officers of militia, constables and peace officers to aid in the maintenance of the peace.

Violence, riots, being armed or carrying flags or badges ;

disturbance of the peace ; preventing electors voting ;

or interrupting the poll ;

may be punished by commitment to prison—

with limitation of imprisonment ; but such imprisonment not to exempt parties from pecuniary penalties.

In case of death or illness of a person holding election, the Clerk to take his place, and fulfil the duties thereof.

XXV. And be it enacted, That every Alderman, Councillor, or other person, holding any such election, shall have power and authority to maintain and enforce order and keep the peace at the election held by him, and all officers and non-commissioned officers of militia, constables, and other peace-officers, and also all others Her Majesty's subjects, within the limits of the Ward of the City, for which such election is held, or who shall be present thereat, are hereby required to be aiding and assisting him therein ; and if any person or persons shall commit violence, or be engaged in any affray or riot, or be armed with clubs, staves, or other offensive weapons, or 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, or in any wise disturb or threaten to disturb the peace or order at such election, or wilfully prevent or endeavour to prevent any elector or person from coming to vote thereat, or in any wise interrupt the Poll, or the business thereof, the said Alderman, Councillor, or other person holding any such election, shall have power and authority, on view, or on the oath of one credible witness, (which oath the said Alderman, Councillor, or other person holding such election, is hereby authorized and empowered to administer,) to arrest, or confine, or commit to prison, any such person or persons so offending, by an order in writing, directed to any officer of militia, or any peace officer within the limits of the place for which such election is held, or to the Gaoler of the District of Montreal, which order such officer of militia, peace officer or gaoler, is hereby required and commanded to obey, under a penalty of not exceeding twenty-five pounds, current money of this Province, for disobedience thereto : Provided the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours : And provided also, that no such arrest, confinement or imprisonment shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which he or they may be liable, for any thing done contrary to the true intent and meaning of this Act.

XXVI. And be it enacted, That if, at any election of a Councillor or Councillors to be had as aforesaid, the Poll shall be interrupted by the death or severe illness of the Alderman or Councillor, or other person holding such election, the person or persons authorized by him to aid and assist him as Clerk or Clerks, and sworn as hereinbefore directed, shall, under the penalty of ten pounds, current money of this Province, forthwith assume the functions of the Alderman, Councillor, or other person holding such election, and shall proceed to take the Poll, and act in every respect in the same manner as if he or they had been the Alderman or Councillor appointed to hold such election, and with all and every the powers and authority appertaining

appertaining to the appointment of such Alderman or Councillor appointed to hold such election, of all which the said Clerk or Clerks shall make a particular entry in the Poll Book, as well as make a special return, unless his or their authority shall have been previously superseded by the recovery of the Alderman or Councillor appointed to hold such election, from such illness as aforesaid.

XXVII. 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 Monday 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.

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

XXVIII. And be it enacted, That the Mayor, Aldermen and Councillors of the City of Montreal, who shall be in office under the provisions of the said Ordinance to incorporate the City and Town of Montreal, and of the said Ordinance to amend the same, hercinbefore mentioned, 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 the year eighteen hundred and forty-six, and on the first Monday in March in each succeeding year, one of the Members of the Council for each Ward shall go out of office; and on the first Monday in March, in the year eighteen hundred and forty-six, 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, eighteen hundred and forty-six, 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 further, that any member going out of office, may be re-elected, if then qualified according to the provisions of this Act; 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.

Mayor, &c. now in office to continue in office till March, 1846.

One member for each Ward to go out of office in March, 1846,—being the member thereof for the longest time without re-election.

If at such election a further vacancy should occur, another member to be elected.

Members going out of office may be re-elected.

Elections to be postponed to next day, if the day appointed be a holiday.

XXIX. And be it enacted, That at the first 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 forty-six, and in each succeeding year, the said Council shall

When the election of Mayor shall take place.

In case of vacancy, how a new Mayor is to be elected.

shall elect out of the members thereof a fit person to be Mayor of the said City, who shall continue in office as Mayor until his successor in the said office of Mayor shall have been appointed 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 of the said Council after such vacancy, elect, out of 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 serve.

Elections of Aldermen.

XXX. And be it enacted, That at the first quarterly or special meeting of the Council of the said City, after the election in the said year one thousand eight hundred and forty-six, and each subsequent 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 six, (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.

XXXI. 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, on a day 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

Period for which such persons shall be elected.

Limitation of period for holding such extraordinary election.

Vacancies among the Aldermen, how supplied, and

whose

whose office may have so become vacant; and the Alderman so elected, shall hold the office of Alderman, until the period at which the person in the room of whom he shall have been elected, would, in the ordinary course, have gone out of office.

for what period.

**XXXII.** 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.

Council to elect from time to time an Alderman to act during the absence or sickness of the Mayor.

**XXXIII.** And be it enacted, That at the quarterly meeting to be held by the said Council in the month of March, in the year one thousand eight hundred and forty-six, and at the quarterly meeting to be held by the said Council in the month of March in 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 such Auditor shall continue in office until the second Monday in the month of March in the year following his election: Provided always, that in every such election of Auditors, no member of the said Council shall vote for more than one person to be such Auditor as aforesaid: And provided also, that no member of the said Council, nor the Clerk, nor the 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 be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any 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.

Election of Auditors.

Qualification of Auditors and term of office.

One vote for Auditor allowed to each Councillor.

Dis-qualification of certain persons to be Auditors.

Vacancy in office of Auditor, how filled up.

**XXXIV.** And be it enacted, That no person elected to be Mayor, Alderman, Councillor, Assessor, or Auditor, as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter 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,)

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

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 :

“ I, A. B., having been elected Mayor, (*or* Alderman, Councillor, Assessor, *or* Auditor, *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, Councillor, Auditor, *or* Assessor, *as the case may be,*) as aforesaid : So help me God. ”

Fines for non-acceptance of office ;

as Alderman or Councillor ;

as Auditor or Assessor, as Mayor.

Acceptance of office to be made by taking oath and making declaration within five days after election,—otherwise such office to be deemed vacant, and to be filled up by new election.

Exemptions from being held to accept office.

XXXV. And be it enacted, That every person duly qualified, who shall be elected to the office of Alderman, Councillor, Assessor, or Auditor, as aforesaid, of the said City, and every person, Alderman or Councillor, who shall be elected to the office of Mayor of the said City, 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 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, shall accept such office by taking the oath of allegiance, and making and subscribing the declaration hereinbefore mentioned, within four days after notice of his election, 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 no person disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid : And provided also, 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, nor any Surveyor General, Adjutant General of Militia, or Provincial Secretary, nor the Deputy 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 School Master, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

XXXVI.



XXXVI. And be it enacted, That if any person holding the office of Mayor, Alderman, or Councillor, shall be declared bankrupt, 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, being Mayor, shall be absent from the said City for more than two calendar months, or, being an Alderman or Councillor, for more than six months, at one and the same time, (unless in case of illness,) 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.

Cases in which the Mayor, Aldermen or Councillors shall become disqualified.

XXXVII. And be it enacted, That the Mayor of the said City, for the time being, shall be a 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 monies 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.

Mayor, Aldermen and Councillors to be Justices of the Peace. Mayor to have a salary.

XXXVIII. 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

Council to name—  
City Clerk;  
City Treasurer;  
Clerks of Markets;  
Surveyors of Highways;  
Overseers;  
Collectors;  
Pound Keepers, and other Officers:  
And to prescribe their duties.  
Security to be taken, and salaries to be established.  
Mayor may name Assistant Clerk, during the absence or sickness of City Clerk.

appoint

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.

Powers of  
Treasurer,  
Assessors,  
Surveyors,  
&c.

under 36 Geo.  
III. c. 9, (L.  
C.)—

9 Geo. IV. c.  
16, (L.C.)—

39 Geo. III.  
c. 5, (L.C.)—

transferred to  
the same offi-  
cers appoint-  
ed under this  
Act.

XXXIX. 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 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 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 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 Ordinance 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 Ordinance, 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 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

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 three Assessors, may be performed with equal force and effect by any two of the said Assessors, and that in all cases where there may be a difference of opinion among the said three Assessors, the opinion of any two shall have the same force and effect as if the three Assessors had concurred: and if two of the Assessors for any Ward, acting without the third, differ in opinion, the third 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 who may have so differed, and the opinion so confirmed shall have the same force and effect as if the three Assessors had concurred in it; and in each of the cases above mentioned, and in every other such case, the Assessor dissenting may make an entry in the Assessment Books of the reasons of his dissent.

The duties of the Assessors may be performed by two of them.

If the two Assessors differ, how a decision is to be obtained.

**XL.** And be it enacted, That in the event of the absence from the said City of the owner or owners of any real property therein, liable to assessment, and the non-payment of the assessment on any such real property, by any Agent or other person on behalf of the said absent owner or owners thereof, 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 dispose of any and all such property, after six months notice 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 Court of Queen's Bench, or in any Court of Special or Weekly Sessions, or in the Mayor's Court hereafter established in and by this Act; and the monies levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the Court of Queen's Bench, 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 monies 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, Alderman and Citizens

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

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

How property is to be sold for arrears of assessment and per centage thereon.

Return of Sheriff to be made to the Court of Q. Bench.

Balance to be paid over to the Corporation, and liable to six per cent. interest, till demanded by the party claiming the same.

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.

Treasurer of the City—his duties.

Accounts to be annually submitted to the Auditors and to the Council, for examination, and audit.

Abstract of accounts to be annually printed.

On what orders Treasurer may make payments.

City Officers to render detailed accounts.

XLI. 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 reasonable 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 fifteenth day of February in each and every year, be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, 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 fifteenth 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.

XLII. And be it enacted, That the Treasurer of the said City shall not pay any monies, 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.

XLIII. 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 monies 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

with proper vouchers for such payments: and every such officer shall pay all such monies as shall remain due from him to the Treasurer, for the time 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 relating to the same, or to make payment as aforesaid, or 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 shall be, and is hereby authorized and required, to issue 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 monies 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 monies to be levied by distress and sale of the goods and chattels of such offender; and if sufficient goods and chattels shall not be found to satisfy the said monies 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 accounts, 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 offender 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, until he shall have paid such monies 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.

To pay over all monies by them due.

How they may be proceeded against for refusal or neglect of such duty.

Judgment to be obtained in a summary manner.

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.

**XLIV.** And be it enacted, That in all meetings of the said Council, to be held in pursuance of this Act, a majority of the members present at such meeting shall determine all questions and matters submitted to, or under the consideration of the said

Who shall  
preside.

Casting vote  
to member  
presiding.

Special meet-  
ings how call-  
ed.

In case of re-  
fusal by the  
Mayor to call  
such meetings,  
five members  
may call a  
meeting after  
certain notice.

Business be-  
fore such meet-  
ings to be spe-  
cially mention-  
ed in such no-  
tice.

Minutes of  
proceedings 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  
*prima facie*  
evidence.

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.

XLV. 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 a 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 left at the usual place of abode of every member of the said Council, three days at least before such meeting.

XLVI. And be it enacted, That 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.

XLVII.

XLVII. 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.

Council may name Committees.

XLVIII. 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 Ferry Licenses to persons plying as Ferry-men 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.

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

Council to grant certain ferry licenses.

Council authorized to borrow to a certain extent.

City revenues charged with the payment of such debt, and all other debts contracted by the Council.

XLIX. 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 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 monies raised, or to be raised, by assessment as aforesaid, and all monies 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 monies 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 monies 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.

Council to make by-laws for certain general purposes.

L. 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 cleanliness, health and local government of the city.

For raising and applying monies by tolls, rates or assessments;

For the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the said City.

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



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 houses of public entertainment, and the retailers of spirituous liquors, and on all hawkers, pedlars and petty chapmen, within the said City; and on proprietors, owners or keepers of theatres, circuses, or public exhibitions, or shows of any kind, or of horses or carriages of any kind kept for pleasure, for working, or for hiring out, or of billiard tables or dogs within the said City; and on wholesale and retail dealers in goods, wares or merchandize of any kind, and the premises occupied by any and all such; on banks, bankers, bank agencies, and banking institutions of every kind in the said City; and the premises occupied or used by such banks, bankers, bank agencies, or banking institutions; on all forwarding merchants or forwarders, and the premises occupied by them; on all brokers and money changers and their premises; on the insurance companies and agencies therefor, and the premises occupied by them; on all agents of merchants residing without the limits of this Province; on gas companies, and the premises used and occupied by any or all such, within the said City; on keepers of eating houses, coffee houses or ordinaries; on all auctioneers, grocers, bakers, butchers, hucksters, pawn-brokers, livery stable keepers or cãrters, within the said City; on all trades and manufactories carried on, exercised, or in operation within the said City; on all breweries, distilleries, and agents and agencies of breweries, and distilleries; on all soap and candle factories, camphine or other oil factories, ginger beer, spruce beer, and root beer brewers and breweries; on brick manufactories, wood dealers and wood yards; on all ball alleys and other means of gambling, and on all tanneries and slaughter houses within the said City; and on all persons acting as ferrymen to 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.

For increasing the amount of the commutation money payable by each person liable to statute labor 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 labor 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.

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,

Or duties on public houses, retailers of spirituous liquors, pedlars theatres, &c,

Horses, carriages, billiard tables, dogs; Wholesale and retail dealers; Banks;

Forwarders; Brokers; Insurance Companies; Agents; Gas Companies; Coffee houses; Auctioneers, &c. Manufactories; Breweries and Distilleries; Candle works; Oil factories; Brick or Wood yards; Ball alleys; Tanneries; Ferrymen.

To increase commutation money, or to exempt parties therefrom.

To change sites of market places when necessary;

NOW

Saving the right of parties aggrieved.

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 the powers of Clerks of Markets and other officers employed about the markets; To let stalls, and regulate the sale of articles on the markets; Weighing and measuring.

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 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.

To regulate vehicles in markets, and imposing duties thereon.

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.

To establish a Board of Health.

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

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 assess real property for

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,

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.

common sewers.

To compel the proprietor or proprietors of all real property within the City limits to enclose the same.

To compel the enclosure of all real property.

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.

To require the removal of door steps.

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.

To defray the expenses of lighting the 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 alter levels.

Proviso for compensation

To pull down, demolish and remove, when necessary, all old dilapidated or ruinous walls, chimnies 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 pull down old walls, &c.

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 the weight and quality of bread.

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 regulate servants.

To

To prevent gaming.

To prevent gaming or the keeping of any gaming-house or place for gaming 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 determine contested elections.

To regulate the form and manner in which any election of a Councillor or Councillors for the said City may be contested, and the form and manner in which any contest or contests that may arise, touching any such election or elections, may be judged and determined by the said Council, or by any Committee to be named for such purpose.

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 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 persons whomsoever in the said City.

To assess for property destroyed by mob or during riots.

Limitation of fines and imprisonment.

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.

LI. And be it enacted, That it shall moreover 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 members of the said Council to make By-Laws, which shall be binding on all persons, for the following purposes, that is to say :

Council to make By-laws.

To prohibit and prevent the construction or erection of any wooden dwelling-house in, or within the distance of one hundred feet from any of the following streets in the Suburbs of the said City, that is to say,—Saint Mary Street, Saint Lewis Street, Saint Lawrence Street, Saint Antoine Street, Saint Joseph Street, and Wellington Street, or in or within the distance of one hundred feet from any part of Graig Street or McGill Street, in the Suburbs of the said City ; any law, usage or custom to the contrary notwithstanding.

To prohibit the erection of wooden dwelling houses in certain main streets.

To prohibit and prevent the construction of any wooden building, of any kind or description whatever, within that part of the said City which is bounded by the River Saint Lawrence, by Craig Street and Saint Lewis Street, by Lacroix Street and by McGill Street. And to require and enforce, within three years from the passing of a By-Law or By-Laws for that purpose, or within such longer time as to the said Council may seem fit, 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 on the last mentioned part of the said City ; any law, usage or custom to the contrary notwithstanding.

To prohibit the erection of any kind of wooden building within a certain part of the town.

To cause the construction of separation walls of stone or brick.

To prohibit the erection of any high pressure steam-engine, or other 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 ; and by any By-Law for the above purpose, for which the Council are authorized by this section of this Act, to make any By-Law, the said Council may impose such fines, not exceeding ten pounds, or such imprisonment not exceeding ninety days, or both, as they may deem expedient for enforcing the same.

To prohibit the erection of high-pressure engines.

LII. 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.

Council empowered to impose penalty on assessors neglecting their duty.

LIII.

Council may  
make By-laws  
to prevent ac-  
cidents by fire;

LIII. 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 :

And conduct  
of persons at  
any 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 said City.

To appoint  
officers to car-  
ry such rules  
into effect.

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.

To defray ex-  
penses to pre-  
vent fires.

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.

To authorize  
officers to visit  
buildings, for  
the purpose of  
enforcing such  
By-laws.

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.

To authorize  
the demolition  
of buildings in  
case of fire.

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 de-  
predations  
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.

For

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

For establishing, or authorizing to be established, after any and every fire in the said City, if deemed necessary, 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, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine or 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 cause an enquiry to be made as to the cause and origin of fires.

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.

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

Fines and imprisonment limited.

LIV. 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 labor, and from serving as a Juror, Constable, or Militiaman, excepting during any war or invasion of the Province.

Firemen exempted from certain duties.

LV. 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 part

Chimnies how to be swept. Sweeps to be licensed.

part thereof, licenses to sweep chimnies 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 chimnies in the said City, or in some part of the said 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.

Allowances to such sweeps to be established by a tariff.

By-laws to be made respecting sweeps.

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

Construction of the liability of occupants, and as to the

LVI. And be it enacted, That it shall be lawful for the 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 chimnies, 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 chimnies; 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 to, or forming a part

of



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.

nature of such chimneys.

LVII. 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.

All By-laws to be submitted to the Governor, and may be disallowed.

LVIII. Provided always, and be it enacted, That all and every 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 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.

All By-laws in force, to continue in force.

LIX. And be it enacted, That the said Council shall have full power and authority, notwithstanding any law to the contrary, to purchase and acquire, or take and enter into, after paying, tendering or depositing the value thereof, to be ascertained as hereinafter provided, such land, ground, or real property of any description, within the said City, as may by them be deemed necessary, for opening new streets, squares, market places, or other public highways or places, or for continuing, enlarging, or otherwise improving those streets, squares, market places, or other public highways or places now made, and the neighbourhood thereof, or as

How Council may acquire real estate.

a

a site for any public building to be erected by the said Council, and to pay to, or for the use of the proprietor or proprietors of such ground or real property, and out of any funds of the said City, now in, or which shall hereafter come into their hands, such sum or sums of money as may be agreed upon as the value of such ground or other property, by the party proprietor, thereof, and the said Council respectively, or ascertained in the manner hereinafter mentioned, in case they shall not so agree upon the same.

Corporations, husbands, tutors, curators, &c., authorized to sell and convey to the Council.

LX. And be it enacted, That it shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians, curators, *grevés de substitution*, and all trustees whatsoever, who are or shall be seized or possessed of, or interested in any piece or pieces, parcel or parcels of ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, not only for themselves, their heirs and successors, 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 as aforesaid, whether minors or issue unborn, lunatics, idiots, *femes-covert*, or other person or persons, to contract for, sell and convey such piece or pieces, parcel or parcels of ground, to the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal; 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 whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale, which he, she or they shall respectively make by virtue of or in pursuance of this Act, saving always the rights of any person or party to the whole or any part of the purchase money or compensation to be paid by the said Corporation for any real property purchased or taken as aforesaid.

Price or compensation to be determined in certain cases by jury.

LXI. And be it enacted, That in all cases where the said Council, and the persons seized, or possessed of, or interested in the said pieces or parcels of ground, or other real property, or any of them, or any part thereof, shall be absent, or shall not be known, or shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations, shall be ascertained, fixed and determined in manner following, that is to say: The Justices of the Peace, resident within the said City and Town of Montreal, in a special session to be for that purpose holden, upon a petition to them addressed, and upon proof, that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or his, or her, or their tutor, curator, administrator, attorney, agent, or curator *ad hoc*, of the intention of the said Council to present such petition to the

the said Justices of the Peace, for the purpose of taking possession of, entering into, and appropriating to the use of the said Corporation, such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City, qualified to be special jurors in civil cases; and the said Jury shall determine upon their oaths, the amount of the price or compensation which they shall deem reasonable, to be paid by the said Corporation, for such pieces or parcels of Ground or real property as aforesaid: Provided always, that any determination, as aforesaid, in which any nine of the jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the jurors had agreed therein.

**LXII.** And be it enacted, That on payment of the price or prices, compensation or compensations, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, or in case it should be doubtful to what person or party the same shall of right belong, on the deposit thereof in the hands of the Prothonotary of the Court of Queen's Bench for the District of Montreal, for the use of the person or persons or party entitled to the same, the right of property, title and interest in and to such pieces or parcels of ground or other real property respectively, for which such price or prices, compensation or compensations shall be payable, shall be divested out of the person or persons or party seized and possessed thereof or entitled to the same, and shall become and be vested in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal; and the Council of the said City may, after fifteen days notice in that behalf to the proprietor, possessor or occupant of the piece or parcel of land to which such award shall relate, enter upon, take possession of, and use such pieces or parcels of land, for any of the purposes authorized by this Act; any law, statute or usage to the contrary notwithstanding.

Title of property to be vested in the Council on payment or deposit of money in certain cases.

**LXIII.** And be it enacted, That all the provisions and enactments of the two sections next immediately preceding this section, with regard to the mode in which the value of any real property, taken by the said Council, shall be ascertained, and the amount thereof paid or deposited, in certain cases, shall be, and are hereby extended to all cases in which it shall become requisite to ascertain the amount of compensation to be paid by the Council, to any proprietor of real property for any damage by him sustained, by reason of any alteration made by order of the said Council, in the level of any foot-path or side-walk, or by reason of the removal of any establishment, subject to be removed under any By-Law that may be passed under the fifty-sixth or other section of this Act, 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 Council shall not agree.

Provisions extended to compensation for foot-paths, &c.

**LXIV.**

Corporations  
may invest  
price or com-  
pensation for  
property.

LXIV. 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.

Constabulary  
force estab-  
lished.

LXV. And be it enacted, That it shall be lawful for the said Council, as soon after the passing of this Act as may be, and from time to time thereafter 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 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.

LXVI. 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

of intention to commit a felony, 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 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, or may give bail to such constable or officer for his appearance before a Justice of the Peace, if such officer or constable shall think fit to take bail in the manner hereinafter mentioned.

LXVII. 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 a Justice of the Peace 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, as if the same had been taken before a Justice of the Peace, and such officer or constable shall enter into a book, to be kept for that purpose in every watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, with the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place, when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the Justice shall cause a record of the recognizance to be drawn up, to be signed by the constable, and shall return the same to the next General or Quarter Sessions of the Peace for the District of Montreal aforesaid, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance, as of recognizances forfeited in the Sessions of the Peace; 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 Justice shall think fit to consent thereto, the Justice 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 Sessions, or otherwise, the recognizance for the appearance of the party before a Justice, shall be discharged without fee or reward.

Bail to be taken in certain cases.

LXVIII. And be it enacted, That if any officer or constable, to be appointed as aforesaid, shall be guilty of any neglect of duty, or of any disobedience of any lawful order,

Officer or constable punishable for neglect of duty.

order, every such offender, being convicted thereof before the Mayor'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, or 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 Mayor's Court shall, in their discretion, think meet.

Persons assaulting an officer or constable, how punished.

LXIX. 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 any two Justices of the Peace, or before the said Mayor's Court, shall, for every such offence, forfeit and pay such sum, not exceeding five pounds, as the said Mayor's Court or the said Justices shall think meet: 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.

Mayor's Court established, and its powers.

LXX. 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 it shall be lawful for any three of the members of the said Council 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, whether made by the said Justices of the Peace for the District of Montreal before the passing of the said Ordinance to incorporate the City and Town of Montreal, or heretofore made, or hereafter to be made by the said Council; 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; 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; and for the purposes aforesaid, any three of the members of the said Council shall, at such place in the said City of Montreal as they may deem proper, hold a Court, from time to time, as occasion may require, to be called the Mayor's Court, in which the Mayor, when present, shall preside, and the City Clerk of the City of Montreal shall be the Clerk of the said Mayor's Court:

Court; and the Precepts, Writs, and Processes, to be issued out of the said Mayor'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 Mayor of the said City of Montreal, and be countersigned by the said Clerk; and any three of the members of the said Council, are hereby authorized and empowered 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 favor 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 plaintiff 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 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 Mayor'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.

Powers of the  
Mayor's Court  
further defin-  
ed.

LXXI. And be it enacted, That it shall be lawful for the said Mayor's Court to cause order to be preserved in the said Mayor'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 Mayor's Court; to enforce the attendance of any witnesses in any action, cause, or prosecution, that may be pending before the said Mayor's Court, and to compel such witnesses to answer all lawful questions; to authorize and require the examination of any party on interrogatories on facts and articles, (*faits et articles*,) or on the *juramentum litis decisorium*, or on the *juramentum judiciaire*, 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 Mayor's Court, for any one or more of the purposes as 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 also be lawful for the said Council 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 Mayor's Court and by the bailiffs and other such officers, to be employed in and about the said Mayor's Court: Provided always, that no fee shall be exacted under such tariff, until such tariff be approved of by the Governor of Canada. And it shall be the duty of the Clerk of the said Mayor'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 Mayor'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 members of the said Council then holding 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 Mayor'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 Mayor'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.

LXXII.



LXXII. 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 the said last mentioned Ordinance to amend the Ordinance to incorporate the City and Town of Montreal, or by this Act, or by any Act or 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, 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 and 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.

How certain  
fines, &c., are  
to be recover-  
ed and applied.

LXXIII. And be it enacted, That any rate or assessment 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.

Tenant liable  
to pay assess-  
ment, with  
right to de-  
duct amount  
paid from rent.

LXXIV. 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, 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 or assessments due for two years, that is to say, for the current year when such claim may be made, and the year next preceding that year.

Privilege  
granted to se-  
cure payment  
of two years  
assessments.

Certain laws to continue repealed, and certain laws repealed.

LXXV. 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.

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

LXXVI. 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 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 may be requisite, to open any drain leading from the said City to the River Saint 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.

Except in certain cases.

Reservation of Her Majesty's rights.

LXXVII. 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.

LXXVIII. 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

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.

**LXXIX.** And be it enacted, That the Surveyor of the said City of Montreal, shall, within two years from and after the passing of this Act, or sooner if possible, draw an exact and regular plan of the said City of Montreal, pointing out agreeably to the rules of art, the streets, lanes, squares, market-places, water-courses, aqueducts, canals, bridges, and causeways in the said City of Montreal, to be inspected gratis, and for the direction of every person concerned or interested therein.

The Surveyor of the City, within two years, to draw a plan of the city for public inspection.

**LXXX.** And whereas there now remains, within the limits of the said City of Montreal, a great extent of ground, partly laid out in pasture, woodland, meadows, and arable land, which is daily laid out, and will in time to come be divided into ground lots, for the purpose of erecting thereon houses, or other buildings, for the planting of orchards, or to be cultivated as gardens, that are commonly closed in with good and solid fences; and whereas, it is necessary, and of utility to the public, that the said divisions should be parcelled out agreeably to a regular plan, and that commodious streets should be opened, and convenient places reserved for squares, in time to come: Be it therefore enacted, That it shall be the duty of the said Surveyor to add to the aforesaid plan of the said City of Montreal, a plan of the said Tracts of Land, laying down rules, for the division thereof, in time to come, with the streets and squares that ought to be reserved: and when such plan shall have been drawn up, it shall be deposited in the office of the said Surveyor of the said City, and notice shall be given in such manner as the Council of the said City shall direct, that such a plan has been drawn up, and so deposited for the inspection (*gratis*) of whomsoever may be concerned or interested therein, in order that they may, within any time, not exceeding six months, from such notice, lodge their observations or oppositions, if any they have, against it, that justice may be done in the premises; in failure of which the said plan shall be homologated and followed up in future, agreeably to its form and tenor.

Lands within city limits, not yet laid out in building lots, to be included in City Surveyor's plan, with the necessary streets and squares thereon marked out, and after notice given to the parties interested, such plan to be homologated and followed up.

**LXXXI.** And be it enacted, That the Council of the said City of Montreal is hereby authorized and empowered to pass a By-law or By-laws, 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: Provided always, that such

Cruelty to animals may be punished by fine or imprisonment, or both.

such fine shall not exceed five pounds, currency, nor such imprisonment thirty days, in the Common Gaol of the District.

The Corporation may acquire a certain quantity of land over and above what is absolutely necessary for any street, square, or market place, &c.

**LXXXII.** And be it enacted, That in all cases where, for the purpose of opening any new street, square, market-place, or other public highway or place, or for continuing, enlarging, or otherwise improving those streets, squares, market-places, or other public highways or places now made, or as a site for any public building to be erected by the said Council, the said Council shall deem it advantageous to purchase and acquire, or take and enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Council, 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.

Public Act.

**LXXXIII.** And be it enacted, That this Act shall be held and taken to be a public Act, and as such shall be judiciously taken notice of by all Judges, Justices, and persons whomsoever, without being specially pleaded.

---

MONTREAL:—Printed by STEWART DERBISHIRE and GEORGE DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.