

CAP. CXXVIII.

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

[30th August, 1851.]

WHEREAS it is expedient to amend and consolidate the provisions of two certain Ordinances of the Legislature of the heretofore Province of Lower Canada, made and passed in the fourth year of Her Majesty's Reign, and respectively intituled, *An Ordinance to incorporate the City and Town of Montreal*, and *An Ordinance to amend the Ordinance to incorporate the City and Town of Montreal*, and of certain Acts of the Legislature of this Province, passed in the eighth, ninth and eleventh years of Her Majesty's Reign, and respectively intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance,—An Act to amend the Laws incorporating the City of Montreal, and to facilitate the decision of cases wherein the right of any party to any office in the Corporation may be called in question,—An Act to amend an Act therein mentioned, and to make better provision for the Election of Councillors and Assessors of and for the City of Montreal,—* and *An Act to amend the Laws relating to the Incorporation of the City of Montreal*, and to vest certain other powers in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, constituted by the said Ordinance therein first mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the inhabitants of the said City and Town of Montreal, and their successors, inhabitants of the same, incorporated under the said Ordinance herein first mentioned, shall continue to be, and shall be, as provided in and by the said Ordinance herein first mentioned, a Body Corporate in fact and in name, by and under the name, style and title of *The Mayor, Aldermen and Citizens of the City of Montreal*, and as such shall have perpetual succession, and a Common Seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, 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.

Preamble.

Ordinances of 3 & 4
Vic. c. 30 & 36, cited.

Ordinances of 8 Vic.
c. 59,—9 Vic. c. 21 &
43,—11 Vic. c. 11,
cited.

Corporation con-
tinued.

General Corporate
powers granted.

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

Powers to grant
Bonds.

States of America, in any part of Great Britain, or elsewhere, and either in the currency of this Province, or in sterling money, or in the currency of the Country where the same may be respectively made payable, as by the said Council may be thought advantageous or expedient.

Limits of the City of Montreal defined.

III. 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.

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

Boundaries of the several Wards.

V. 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, from Saint Louis Street aforesaid to the River or point of departure.

Centre Ward.

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

West Ward.

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

Saint Anne's Ward.

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

Saint Antoine Ward.

The *Saint Antoine Ward* shall be bounded as follows: on the north-east by the centre of M'Gill Street, and through Commissioners' Square, to Craig Street; thence, north, through the centre of Craig Street, to Alexander Street; thence, through the centre of Alexander Street, to the centre of Saint Catherine Street; thence, the

north-west

north-west side of the centre of Saint Catherine Street to City Councillors' Street; thence, the south-west side of City Councillors' Street to Sherbrooke Street; thence, the north-west side of the centre of Sherbrooke Street to Durocher Street; thence, the south-west side of the centre of Durocher Street, and the extension of the same, to 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 M'Gill Street, the point of commencement.

The *Saint Lawrence Ward* shall be bounded as follows: on the north-west side of the centre of Craig Street, commencing at Saint Lawrence Main Street, and continuing to Alexander Street; thence, the north-east side of the centre of Alexander Street, to Saint Catherine Street; thence, the north-west side of the centre of Saint Catherine Street, to City Councillors' Street; thence, the north-east side of the centre of City Councillors' Street, to Sherbrooke Street; thence, the south-east side of the centre of Sherbrooke Street, to Durocher Street; thence, the north-east side of the centre of Durocher Street, to the City boundary line; thence, along the said line towards the north-east, until the same joins the centre of Saint Lawrence Main Street; thence, the south-west side of the centre of Saint Lawrence Main Street, to Craig Street, or the place of beginning.

St. Lawrence Ward.

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

Saint Lewis Ward.

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

Saint James Ward.

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

Saint Mary's Ward.

VI. 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.

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

Qualification for Aldermen.

within

within the said City, after payment or deduction of his just debts, of the value of one thousand pounds currency.

Qualification for Councillor.

VIII. 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.

Persons incapable of being elected Mayor, Aldermen, or Councillors, or of voting at any election of City officers.

IX. 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 being elected Councillors.

X. And be it enacted, That no person being in Holy Orders, or being a Minister or Teacher of any Dissenting or Religious Sect, nor any Judge or Judges, Clerk or Clerks of any Court, or any Member of the Executive Council, nor any person accountable for the City Revenue or receiving any pecuniary allowance from the City for his services, or any Officer or person presiding at an election of a Councillor or Councillors, while so presiding, nor any Clerk or Assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said City, or of being a Mayor, an Alderman or a Councillor of the said City.

Qualifications of voters at the election of Councillors.

XI. 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 male persons being inhabitant householders or occupiers of dwelling-houses, 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 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, shall not be less than Forty Shillings current money of this Province, or the rent paid therefor, if otherwise held, shall not be less than Eight Pounds said current money, 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 such election, and who shall have been assessed under the Laws and By-Laws in force on the first day of January next preceding any such election, in a sum of not less than Eight Pounds, current money aforesaid, upon the dwelling-house so occupied, and part of a dwelling-house in which an inhabitant shall reside as a householder or occupier, but not as a boarder or lodger, and having an outer door under his sole control, by which a 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, and the rate of assessment thereon be on a sum 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 City, during three months next preceding any such election, and shall have been assessed for not less than one year on such premises, on a sum not less than Eight Pounds if occupied by one individual, or not less than Eight Pounds per share if there are two or more co-partners, 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 whether the said assessments be paid by the owner or proprietor of the property so assessed, or by the inhabitant, householder, tenant,

Dwelling-house of the value of £8 rental.

Residence of one year in the City, and of three months in the Ward--

To have been assessed.

Part of dwelling-house, in certain cases, deemed a dwelling-house.

Persons not householders, but occupying premises that are rated for duty on business, which is paid up, to be entitled to vote.

Proviso.

or occupier thereof, the said inhabitant, householder, tenant, or occupier, shall be entitled to vote in respect of his occupation of such property, or part thereof as aforesaid, and shall not be deprived thereof in consequence of his not having paid the same, provided he be otherwise rated, charged or assessed in respect of the Laws and By-Laws in force: And provided also, That no such inhabitant, householder, tenant or occupier, of a dwelling-house, part of a dwelling-house, warehouse, counting-house or shop, within the said City, shall be entitled to vote at any such election of Councillors, unless he shall, previous to the first day of January, next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty, or impost (drain amounts excepted) lawfully imposed by any By-Law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said City of Montreal, that may be due and payable by him in the capacity aforesaid, or as owner or proprietor of other lands, lots, houses or other buildings, within the City, either vacant or in the possession of tenants, householders or occupiers who have neglected to pay the assessment thereon, up to the first day of January, next before the holding of any such election.

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

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

Election of mayor, &c.

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

The voters' List.

XIV. And be it enacted, That the said list shall be kept in the City Hall for the examination of all concerned, at reasonable hours, from the first to the fifteenth day of January, inclusive, of which fact the City Clerk shall give immediate public notice, either by printed placards, or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said City; and any person who shall claim to be added to the said "Voters' List," or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the Ward to which he belongs, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of January.

Lists to be publicly exposed for one month.

XV. And be it enacted, That at their last Quarterly meeting in every year after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a *quorum* to revise the said Voters' List, and decide, according to the best of their judgment, upon the claims previously made as aforesaid, for the insertion or omission of names in or from the said Lists; and the Mayor, or in his absence, such person as the other Members of the Board shall choose at the meeting, shall preside at such meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by one Justice of the Peace for the District of Montreal, well and impartially to perform their duties as such Revisors; and the said Board shall give public notice, before their first day of sitting, of the order in which they will take up the Lists of the several Wards; and they shall meet on the Twentieth day of January, or on the day following, if that day be a holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims, and deciding upon them, and shall

Claims how to be made.

Board of Revisors to be appointed—Its duties.

Who shall preside.

Board to give notice of their order of proceeding, &c.

shall adjourn from day to day until all the Voters' Lists are revised and settled; and the Mayor or person presiding at the said Board for the time being, shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions or erasures to or from the said Voters' Lists, in relation to the applications before them; and the said Board shall also have power to correct any mistake, or supply any accidental omission made by the Assessors in the said Lists; and the said Lists, so revised and settled, shall be signed by the presiding Officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' Lists: Provided always, that the said Lists shall be finally completed before the Tenth day of February: And provided also, that no person's name shall be erased from any of the said lists without his being informed of the claim to that effect, and having an opportunity to be heard in reference thereto.

Proviso: Lists when to be completed, and Voters to receive notice of objections.

Publication of the revised lists.

Persons named in them producing a certificate, may vote.

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

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

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

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

XVIII. And be it enacted, That public notice shall be given by the City Clerk, in both languages, and in at least one newspaper published in the English language, and in one published in the French language in the said City, of the time when the Elections shall be held, and the said Certificates may be deposited in the City Hall; such notice being given at least three days before the election to which it shall refer; but no want of or defect in such notice shall vitiate any election.

Election of Mayor and Councillors.

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

to wit:

For Mayor.

For Councillor in the

Ward.

For

For Councillor in the Ward.
 That the party entitled to the said Certificate, and desirous of voting, shall fill up the said blanks, or if unable to write, shall cause the same to be filled up in the presence of two subscribing Witnesses, with the names of those persons for whom he may desire to vote, and whom he may wish to have elected Mayor of the said City and Councillor or Councillors thereof, as the case may be, for the Ward in which he is entitled to vote; That the holders of the said Certificates being the parties named therein, may produce the same to the City Clerk of the said City, in the City Hall thereof, at any time within the hours and periods hereinbefore specified, and after entry made by the City Clerk of the name of the said Voter, and the date of the production of the said Certificate, the holder thereof being the party named therein as aforesaid, may deposit the said Certificate in a suitable and closed box, in the said City Hall, labelled with the name of the Ward in which the said party may be entitled to vote, of which description of box, appropriately labelled, the said Corporation shall furnish one for each Ward of the said City; That at the time of producing and depositing the said Certificate, the said Voter shall be under no necessity of declaring or making known for whom he may vote either as Mayor or Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said Certificate and vote; That it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said City, or for the Recorder thereof, to administer the oath prescribed in the fifteenth section of this Act, to any party producing a Certificate of Qualification, and claiming a right to deposit the same and vote at the said election; And it shall be imperative on the said Mayor and Recorder, and on each and every Alderman and Councillor of the said City, to administer the said oath, upon the requisition to that effect, of any duly qualified Voter in the said City, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting, and any person who shall swear falsely upon the said oath being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence. That the said nine Boxes, (one for each Ward) shall severally be locked with five locks each; that each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key; that the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said Boxes cannot be opened unless in the presence of all the Members of the said Board; That immediately after the said Thursday intervening between the first and second Mondays in March, the said Board of Revisors shall meet, in the City Hall, shall open the said Boxes, and shall cause the entries and record of the City Clerk in the said Books to be perfected, by entering and recording in the said Books the names of the persons for whom each Voter shall or may vote, to be elected Mayor or Councillor as aforesaid; And the said Board of Revisors shall ascertain and report to the Council of the said City, at its next Quarterly Meeting on the Monday, Tuesday or Wednesday following, or if prevented from so doing, then at its next Special Meeting, the total number of votes given for each Candidate, the name of the Candidate for the Office of Mayor for whom the greatest number of votes shall have been given by the Voters in all the Wards, and the Candidates for the Offices of Councillors, for whom the greatest number of votes shall have been given in each of the said several Wards; and the said Council shall, after examination of the said Books, Certificates and Report of the said Committee, thereupon declare the parties having the greatest number of votes to be respectively elected Mayor and Councillors of the said City; and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office: Provided, That the newly elected Members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality

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

Case of equality of votes.

Proviso.

equality of votes, if desirous of so doing; and the said Mayor and Councillors elect shall afterwards respectively take the oaths prescribed by this Act; and the said Books, with the names of the said Voters, and the names of the parties for whom they have respectively voted, together with the Certificates produced and deposited by the said Voters, shall remain in the Office of the City Clerk, where they shall be open to inspection by any Elector, on payment of One Shilling.

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

To act for the purpose of the election only.

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

Penalty if Revisor neglects or refuses to perform duties.

Mayor, his term of office.

Case of a vacancy occurring in the office of Mayor.

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

Proviso.

Penalty for non-acceptance.

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

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

Nor to act violently, nor disturb the election.

Under pain of being arrested anew and confined.

XX. Provided always, That in the event of the decease or absence from illness or otherwise, of any one or more of the Members of the said Board of Revisors, the Council shall appoint from among themselves, other Revisors in the stead of those who shall be so deceased or absent as aforesaid, which said Revisors so appointed shall be sworn in the same manner as those in whose stead they shall be so appointed, and any Member who shall be so appointed in the stead of an absent Revisor, shall only act as such for the purposes of the Election which shall be then going on; but if the Council shall be unable to appoint such other Revisors in the stead of those who shall have so deceased, or be absent as aforesaid, then it shall be lawful for the remaining Members of the said Board, to perform all the duties in and by this Act directed to be done by the said Board of Revisors.

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

XXII. And be it enacted, That the said Mayor so elected, shall continue in office as Mayor of the said City, until his successor in the said office of Mayor shall have been elected and sworn in; And in case a vacancy shall occur in the office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first General or Special Meeting thereof, after such vacancy, elect from among the Members of the Council, another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to have served; And if any person be elected at the same time Mayor of the said City and a Councillor for any of the Wards thereof, he shall be held and bound to declare within four days after notice given to him of the said Elections, which office he will accept: Provided that if he be not legally excused from accepting the office of Mayor, he shall be held and bound to accept the same, and shall incur and pay a fine or penalty of One Hundred Pounds, for non-acceptance thereof, and the said fine or penalty shall be incurred and paid, notwithstanding that he may, at the same time, accept the office of Councillor: Provided also, that if any person so elected Mayor and Councillor at the same time, shall accept the said office of Mayor, then a new Election of Councillor shall be held for the Ward for which such person was elected Councillor, within a period to be appointed by the Mayor for that purpose, and in the manner, and subject to the same conditions, as are hereinafter provided for extraordinary vacancies in the said Council.

XXIII. And be it enacted, That each and every person who shall at any election of a Mayor or Councillor or Councillors to be had as aforesaid, wear or carry any flag, ribbon or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular Candidate or Candidates at such election, or who shall be armed with, or carry or have in his possession any cane, stick, club, stave, bludgeon, axe-handle or any other offensive instrument or weapon whatsoever, or who by violence, menace or malicious practice, or in any manner or way whatsoever, shall or may impede or disturb or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same, according to his or their wish or desire, shall and may be liable to be forthwith arrested on view, by any Justice of the Peace for the said City of Montreal, or by any Peace Officer or Constable, present on duty at any such election, or by Warrant issued by any Justice of the Peace, and so arrested to be committed to safe custody or confined in the Common Gaol of the District of Montreal, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested for their

their future peaceable conduct, and that they shall duly appear and answer to any charge that may be made against them, and for or on account of which they may be so arrested, and each and every such person, on conviction of any of the offences hereinbefore enumerated, for which he may be so arrested on view or by Warrant as aforesaid, shall forfeit and pay a fine or sum of money not exceeding Twenty-Five Pounds current money of this Province, and be liable to an imprisonment not exceeding three months' detention at hard labour in the Common Gaol or the House of Correction of the said District, for every such offence.

And of a penalty and imprisonment.

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

In what ward an elector may vote.

XXV. And be it enacted, That from and after the first Monday of the month of March now next, the said several Wards shall be represented in the Council of the said City by three Councillors, each independently and exclusively of the person to be elected Mayor as aforesaid; that the said Mayor shall not continue in office without being re-elected longer than one year, and until his successor in office shall have been elected and sworn in; and no Councillor elected or to be hereafter elected for any of the said Wards shall continue in office without being re-elected, for any longer period than three years; that at the next annual election of a Mayor and Councillors in the said City, to be held in the City Hall thereof, between the fifteenth day of February now next, and the Thursday intervening between the first and second Mondays of the month of March following, the inhabitant householders and persons qualified to vote as aforesaid, shall elect from the persons qualified to be Councillors, two fit and proper persons to be Councillors for each of the said Wards hereinbefore designated as the Saint Ann's, the Saint Antoine, the Saint Lawrence, the Saint Lewis, the Saint James, and the Saint Mary's Wards respectively, and also from the persons qualified to be Councillors for each of the other three Wards, such number of persons as shall be required to supply the places of those who shall then go out of office; and that on the first Monday of the month of March, in each and every year, that Councillor for each and every of the said Wards respectively, shall go out of office who shall have been Member thereof for the longest time without re-election: Provided that whenever any two Councillors are elected at the same time in any Ward, that Councillor shall first go out of office who shall have been elected by the smaller number of votes: And provided always, that whenever any two Members of the Council for any of the said Wards may be elected by an equal number of votes, then it shall be determined by a majority of the Council, which of the Members thereof for such said Wards shall go out of office: And provided further, that any Member going out of office may be re-elected, if qualified according to the provisions of this Act.

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

Mayor, how long to remain in office.

Councillors, their term of office.

Councillors to be elected at the next elections.

On the first monday in march, in each year, a Councillor to go out of office, and which.

Proviso.

Proviso.

Proviso: may be re-elected.

XXVI. 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.

No person to serve as Councillor for more than one ward.

XXVII. And be it enacted, That to facilitate the decision of cases in which the right of any person to hold or exercise any office in the Corporation of the said City may be called in question, the Superior Court for the District of Montreal, sitting in Term, or at its weekly sittings for the cognizance of suits and actions of a civil nature, shall, on the information (*requête libellée*) of any citizen of the said City qualified to vote at the election of Councillor for some Ward thereof, supported by Affidavit to the satisfaction of the Court or of such Justices, and complaining that any person illegally exercises, or assumes, or attempts to exercise the office of Mayor, Alderman, or Councillor of the said City, have full power and authority to order the

Superior Court in term, or at its weekly sittings, to try and adjudge cases under this Act.

the

Process.

the person so complained of to appear before such Court or Justices, and to shew by what authority he exercises, or assumes, or attempts to exercise such office; and such order shall be served (with a copy of the information) upon the party complained of, at least three days before that on which such party shall be ordered to appear; and the said Court shall have full power and authority thereupon to try and adjudge upon the right of the person so complained of to exercise the office in question, and to make such order in the case, and to cause (if need shall be) such Writ of *Mandamus* or Order to be addressed to the Corporation of the Mayor, Aldermen and Citizens of Montreal, as to right and justice may appertain; and such Order or Writ shall be obeyed by the said Corporation, and by all other parties whatsoever, and from the Judgment of the said Court in any such matter as aforesaid, there shall be no appeal; and the said Court shall have full power to tax and award such costs against any party as in their discretion they shall deem right: Provided always, that so far as may be consistent with this Act, the forms of proceeding in any such case as aforesaid, shall be as summary as may be consistent with a due examination into the merits of the case: And provided also, that the authority and powers conferred by this section on the said Superior Court in Term, or at its weekly sittings, shall apply to cases where the party complained of exercised, or assumed or attempted to exercise the office in question before the passing of this Act; and that any proceedings commenced in Term before the Court may be continued before the weekly sittings of the said Court, and any proceedings commenced before the said Court in the weekly sittings thereof, may be continued before the said Court in Term.

Proviso.

Proviso.

Mayor to appoint a day for elections.

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

Four quarterly meetings in each year of three days each.

XXIX. 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.

Mayor &c. now in office, to continue in office.

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

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

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

the Members composing the said Council. And if in any year, the first Monday in March be a holiday, all that by this section is ordered to be done on that day, shall be done on the following day.

Case of a holiday.

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

Election of Aldermen.

Alderman going out of office may be re-elected.

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

Extraordinary vacancies in Council, how to be filled up.

Period for which such person shall be elected.

Limitation of period for holding such extraordinary election. Vacancies among the Aldermen how supplied.

XXXIII. 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.

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

XXXIV. And be it enacted, That at any Quarterly or Special Meeting of the said Council after the Election of Members thereof, in the year of our Lord one thousand eight hundred and fifty-two, and in each succeeding year, the said Council shall appoint as many Assessors for the said City, not exceeding nine in number, as may be necessary, and the said Council may grant the said Assessors such remuneration for their services, as they the said Council may deem fitting; and the said Council may order and determine in what and how many Wards the said Assessors shall act, and if they see fit, that the Assessors to be appointed shall act as such, throughout the whole City limits; and it shall be the duty of the said Assessors to make the Assessments, to assess all property, and to make returns of all persons liable to pay any rate, duty, tax or impost for or by reason of any cause whatsoever, in the said City, in like manner

Council to appoint Assessors;

May remunerate them.

as the same has been hitherto done in the said City; and the said Assessors shall not hereafter, in the performance of the duties vested in and imposed upon them by Law, base their proceeding, estimate or assessment of property, on a fancied value or rental thereof as has heretofore often been done, but that they the said Assessors shall be, and they are hereby required to determine the assessment to be made by them on all such property, upon the actual and *bonâ fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property, but if otherwise, then on the interest of the actual value of the property assessed; and where property to be assessed is in the occupation or possession of the proprietors thereof, the said Assessors shall be, and they are hereby required to determine the Assessment to be paid thereon, upon and according to the rent, which the said property may be worth, and ought to obtain, were the same to be leased, at a fair and equitable rental, by the said Proprietor at the time; and henceforth, all vacant and unoccupied lots of land within the limits of the said City, shall be assessed in all their depth, to their whole extent, and at their full value, that is to say, on the interest of the actual value thereof.

Assessment to be made on the actual value of property.

Assessors to be sworn.

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

Oath.

"I, _____, having been appointed Assessor for the said City of Montreal, or for the said _____ Ward of the said City, (as the case may be,) do swear, that I will faithfully, impartially, honestly and diligently execute all the duties of the said office, according to the best of my skill and knowledge. So help me God."

For what period Assessors may act.

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

Council to make By-laws relating to Assessors.

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

Election of Auditors.

XXXVIII. And be it enacted, That at the Quarterly Meeting to be held by the said Council in the month of December, in the year one thousand eight hundred and fifty-two, and at the Quarterly Meeting to be held by the said Council in the month of
December

December 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 no Member of the said Council, nor the Clerk, nor Assistant-Clerk of the said City, shall be capable of being elected an Auditor as aforesaid: And provided further, that any vacancy that may occur in the office of Auditor, may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any subsequent General or Special Meeting; and the person so elected, shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

Their qualification and term of office.

Disqualification of certain persons to be Auditors.

Vacancy in office of Auditors how filled up.

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

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

“I, A. B., having been elected Mayor, (or Alderman or Councillor, as the case may be,) for the City of Montreal, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized or possessed, for my own use, of real or personal estate, or both, in the said City of Montreal, after the payment or deduction of my just debts, of the value of One Thousand Pounds (or Five Hundred Pounds, as the case may be,) and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Alderman, or Councillor, as the case may be,) as aforesaid. So help me God.”

Oath.

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

Fines for non-acceptance of office.

As Aldermen or Councillor, as Auditor, or Assessor, as Mayor.

Acceptance of office to be made by taking oaths, &c.

Persons not qualified to swear to their non-qualification.

Exemptions from said offices.

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

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

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

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

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

Mayor to have a salary.

Council to name City Clerk.

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

City Treasurer, Clerks of Markets.

Surveyors of Highways.

Overseers.

Collectors.

Pound keepers and other officers.

To prescribe duties.

Security to be taken.

Salaries to be given.

In case of absence or sickness of City Clerk, Mayor may name Assistant Clerk.

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

XLV. 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 first day of February in each and every year, be submitted by such

Treasurer

Powers of Treasurer, Assessors, Surveyors, &c. under 3 Geo. III. c. 9. (L. C.)

9 Geo. IV. c. 16. (L. C.)

39 Geo. III. c. 5. (L. C.)

Transferred to the same officers appointed under this Act.

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

Case of difference of opinion how met.

Treasurer of the City — his duties.

Accounts to be annually submitted to the Auditors and to

the Council for examination and audit.

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

Abstract of accounts to be annually printed.

On what orders Treasurer may make payments.

XLVI. And be it enacted, That the Treasurer of the said City shall not pay any moneys, in his hands as such Treasurer, otherwise than upon an Order in writing of the Council of the said City, signed by three or more Members of the said Council, and countersigned by the Clerk of the City, or in pursuance of a Judgment or Order of any Court of Justice.

City officers to render detailed accounts.

XLVII. And be it enacted, That the Clerk, Treasurer and other Officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing, of all matters committed to their charge, by virtue or in pursuance of this Act; And also, of all moneys which shall have been by them respectively received, by virtue, or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments: and every such officer shall pay all such moneys 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 being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; And if it shall appear to such Justices, that any moneys remain due from such Officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by Warrant under their Hands and Seals, to cause such moneys to be levied by distress and sale of the goods and chattels of such Officer; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such 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 Officers 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 moneys as aforesaid, and shall have delivered a true Account as aforesaid, together with

To pay over all moneys 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.

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.

XLVIII. 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 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.

XLIX. 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 delivered to every Member of the said Council, or shall be left at the usual place of abode of every Member of the said Council, three days at least before such Meeting.

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

LI. And be it enacted, That at any Quarterly or Special Meeting of the said Council of the said City of Montreal, when the business before the meeting cannot be gone through with, or be fully disposed of, it shall be competent to the said Council to adjourn the said meeting from time to time and as often as may be necessary or be thought expedient by the said Council, for the consideration and disposal of the said

Term of imprisonment limited.

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

At meetings of Council, majority to decide all questions.

Who shall preside.

Casting vote to member presiding.

Special meetings how called.

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

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

Minutes of proceedings at meetings to be kept.

Meetings to be held with open doors.

Copies of entries certified by the clerk and under the City Seal to be deemed as *prima facie* evidence.

Council may hold adjourned meetings.

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

Council may name committees,

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

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

LIII. 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, cause-ways, 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 Ferrymen to the said City of Montreal from any place within nine miles of the said City; any law, usage or custom to the contrary notwithstanding.

Council to grant Ferry licenses.

Council authorized to borrow to a certain extent.

LIV. 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 moneys raised, or to be raised, by assessment as aforesaid, and all moneys now due and payable, or that may hereafter be due and payable to the said Council of the said City, as well as all other moneys hereafter to be raised or received by and under the authority of that Act, or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the said City, and with the payment of the sums of money which have been already borrowed by the said Council of the said City, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and owing by the said Council of the said City ; and all sums of money heretofore legally borrowed by the said Council of the said City, and still remaining unpaid, and all sums of money hereafter to be legally borrowed by the said Council of the said City, and generally all debts now legally due or hereafter to be legally due by the said Council of the said City, shall be payable from and out of all or any moneys that may be raised or received by the said Council, under the authority of this Act, or under the authority of any other Act now in force, or that hereafter may be in force in this Province, or by any other cause or causes whatever.

LV. And be it enacted, That for the purpose of extending and improving the said Water Works, it shall and may be lawful for the said Corporation of the said City, to borrow over and above the sum of One Hundred and Fifty Thousand pounds, current money aforesaid, to which the said Corporation is limited in the next preceding section of this Act, such sum or sums of money not exceeding the sum of Fifty Thousand Pounds current money aforesaid, in all, as the said Corporation may find it necessary or expedient to borrow for the extension and improvement of the said Water Works, and it shall and may be lawful for the said Corporation to issue under the Hand of the Mayor, and the Seal of the Corporation, Debentures or Corporation Bonds, for the sum or sums of money to be so borrowed as aforesaid for the extension and improvement of the said Water Works, payable at such time and times after the granting and issuing thereof, to the bearer thereof, either within this Province, or any place or places without this Province, and either in the currency of this Province or in sterling money, or in the currency of the place where the same may be respectively made payable, which said Bonds shall bear interest payable semi-annually, on the first days of May and November in each year, and at a rate not exceeding six per centum per annum, and all such Debentures or Bonds may have *Coupons* thereto annexed, for the said half yearly interest thereon, which *Coupons* being signed by the Mayor shall be respectively payable to the bearer thereof when the half yearly interest therein mentioned becomes due, and shall on payment thereof be delivered up to the Corporation, and the possession of any such *Coupon* by the Corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such Debentures or Bond, and all the provisions of this section shall apply as well to the Debentures or Bonds, heretofore issued, as to those to be issued after the passing of this Act, and all such Debentures or Bonds, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by special privilege on the said Water Works, immediately next in order to and after extinction by payment of the Debentures or Bonds already issued for the purchase of the said Water Works under and by virtue of the provisions of an Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works*, and all the privileges and advantages granted and secured to the said Debentures or Bonds, already issued as aforesaid for the purchase of the said Water Works, in and by the above mentioned Act, shall be and the same are hereby extended to, granted and secured for and in favor of the Debentures or Bonds which shall or may be hereafter issued by the said Corporation in pursuance of this Act ; Provided that nothing herein contained shall be held or construed

City Revenues charged with the payment of such debt and all other debts contracted by the council.

Corporation may borrow a further sum, for the extension and improvement of Water Works.

May issue debentures, &c.

To bear interest.

Coupons of debentures, &c.

Possession of *coupons*, to be evidence of payment of interest, in a certain case.

Debentures to come under this section.

To be secured on general Funds, &c.

7 Vict., c. — cited.

Privileges of said Act in favor of Bonds already issued extended to those to be issued under this Act.

Proviso : as to priority of privilege.

A rate or assessment to be levied for supplying water.

Who is to be subject to such rate.

Rate, when payable.

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

By whom paid.

Notice to be given.

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

As to the rate *per annum*.

Proviso: no further charge to be made.

Proviso: as to who shall bear certain expenses.

Corporation may make special agreements in certain cases, for the supply of water.

Supply of water may be discontinued for non-payment.

Party to remain liable to arrears and subsequent rates.

Council to make By-laws for certain general purposes.

For the cleanliness, health and local government of the City.

For raising and applying moneys, by tolls, rates or assessments.

construed to affect or destroy the priority of privilege of the said Bonds so as aforesaid already issued for the purchase of the said Water Works.

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

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

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

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

For the raising, assessing and applying such moneys, as may be required for the execution of the powers with which the said Council is now, or may be hereafter invested, either by imposing tolls and rates, to be paid in respect of any Public Works within the said City, or by means of a rate or assessment, to be assessed and levied each and every year, on real or personal property, or both, within the said City, or upon the owners or occupiers thereof in respect of such property, provided that such assessment may in any one year, amount to, but shall not exceed (excepting

as hereinafter provided) One Shilling and Six Pence in the Pound on the assessed yearly value of the property, liable to such assessment; and by imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquors, and on Merchants and Dealers and the Agents of all such resorting to, or visiting the City, to take or receive orders therein, or to sell therein, or buy according to sample, contract or agreement, or in any other manner or way whatsoever, and on all hawkers, pedlars and petty chapmen, within the City; and on all proprietors, owners, agents, managers or keepers of Theatres, Circuses or public entertainments, Exhibitions or shows of any kind; or of horses or carriages of any kind kept for pleasure, for use, for working or for letting or hiring out, or of billiard tables, ball alleys or games, amusements or means of gambling of any kind, or of dogs within the said City; and on all wholesale or retail dealers in goods, wares or merchandize of any kind, within the said City, and the premises occupied by any and all such; on Bankers, Banks and all agents of Bankers or Banks and the premises occupied by all such, and on all Banking Institutions, and all premises occupied as Banks, Bank agencies or for Banking purposes of any kind whatsoever, in the said City, except that particular class of Savings Banks in the said City which are or may be established for the benefit and advantage of the industrial and labouring classes of the people, and not for the profit of the Stockholders, which said class of Savings Banks are hereby exempted from any special rate or assessment, other than the ordinary rate or assessment levied on all real property in the said City; on all Forwarding Merchants or Forwarders and the agents of all such, and all premises occupied by them; on all Brokers and money changers and the agents of all such, and the premises occupied by all such Brokers, money changers or their agents in the said City; on all Insurance Companies, and all agents of, or for any Insurance Company or Companies in the said City, and all premises occupied by such Insurance Companies, or by any agent or agents of, or for any such in the said City; on all agents of merchants residing in any other City or place in this said Province, or elsewhere; on all Telegraph Companies and the agents of all such in the said City, and on the proprietors of all Telegraph-wires or means of communication in the said City, or passing through any part thereof; on all Gas Companies, and the premises used and occupied by all such within the said City; on all keepers of Eating Houses, Coffee Houses and Ordinaries; on all Auctioneers, Grocers, Bakers, Butchers, Hucksters, Pawnbrokers, Livery Stable Keepers and Carters; on all Traders and Manufacturers, and the agents of all such; on all Brewers, Distillers, Soap or Candle Manufacturers; on all Camphine or other Oil Manufacturers; on all Ginger Beer, Spruce Beer and Root Beer Brewers, and the Agents and Agencies of any and all such; on all Brick Manufactures, Dealers in Wood and Proprietors or Keepers of Wood Yards; on all Proprietors and Keepers of Tanneries and Slaughter Houses in the City, on all Inspectors of Pot or Pearl Ashes, of Beef, Pork, Flour, Butter, or any other produce, articles or effects whatsoever in the said City, and generally on all trades, manufactories, occupations, business, arts, professions or means of profit, livelihood or gain, whether hereinbefore enumerated or not, which now are or may hereafter be carried on, exercised or in operation in the City; on all persons by whom the same are or may be carried on, exercised or put in operation therein, either on their own account or as Agents for others; and on the premises wherein or whereon the same are or may be so carried on, exercised or put in operation; and on all persons acting as Ferrymen to 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.

- 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.
- Manufacturers.
- Brewers and Distillers.
- Chandlers, Brick Makers.
- Inspectors of Ashes, &c.
- All trades and business generally.
- Ferrymen.
- To increase commutation money, or to exempt parties therefrom.

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

for exempting from the payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same.

To change sites of market places when necessary.

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

Saving the rights of parties aggrieved.

To determine powers of Clerks of Markets and other officers employed about the Markets.

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

To regulate vehicles in Market, and impose 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 confer certain privileges on the Board of Health.

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

To prohibit interments in the City.

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

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 common sewers.

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

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

To compel the enclosure of all real property.

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

To regulate the opening of streets.

To compel the Occupants of unfenced lots of land in the said City, or of land therein, having stagnant or filthy water in or upon it, or of land in the said City that is in other way offensive or dangerous to the public health, and the Agents of the Proprietors of all such lands, and all persons having or assuming the charge of any such land, in the absence from the said City of the Proprietors of the said land, or in case the said Proprietors may not be able to be found, to properly fence in the said land within such delay, and with fences of such height, and of such material as the said Council may direct, and to drain off all stagnant water from the said land, or any water thereon that may be otherwise offensive or dangerous, to remove therefrom all filthy and offensive matters or things, and to fill up and properly level the same; And if there be no persons in occupation of the said land, and no Agent or other person representing the Proprietors of any such land in the City, or their Agents, or should the Proprietors of any such land in the said City, their Agents or the Occupants of the said land, or other persons in charge of the said land, or assuming charge thereof, refuse or neglect to fence in as aforesaid, to drain, cleanse, fill up and level the same, when so directed by the said Council, or the proper Officer thereof; or should the said Proprietors, Agents, Occupants, or other persons, be unable for want of means, or any other cause whatsoever, so to fence in, drain, cleanse, fill up and level the said land when so directed as aforesaid, then, and in all such case, it may be competent to the said Council, and the said Council is hereby authorized and empowered to have the same done at the cost and expense of the said Proprietors of the said land, and to acquire thereby a special mortgage on the said land for the amount or sum of money so expended on the same.

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

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

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 expense 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.

To regulate weight and quality of bread.

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

To regulate servants.

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

To prevent gaming.

To prevent gaming or the keeping of any gaming-house, or place for gambling in the said City.

To regulate ferrymen and landing-places.

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

To compel the attendance of members.

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

To regulate the constabulary force.

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

To establish Pounds.

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

To compel live stock and provisions brought to the City to be taken to the markets.

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

To impose a duty on private marts.

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

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

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

To assess for property destroyed by mob or during riots.

To prohibit the erection of wooden buildings within the city.

To prohibit and prevent the construction of any wooden building, of any kind or description whatever, or the covering of any building of any kind whatsoever with Shingles

Shingles or wooden materials of any kind whatsoever, within the City] limits; And to require and enforce the erection of separation-walls of stone or of brick, and of such height and thickness as the said Council may deem necessary, between all lots of land belonging to different Proprietors, and situated within that part of the said City, which is bounded by the River St. Lawrence, by Craig, Lacroix and McGill Streets; any law, usage or custom to the contrary notwithstanding.

Walls of brick or stone.

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

To prohibit steam engines.

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.

Cruelty to animals.

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.

Penalty.

LIX. 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:

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

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

And to regulate the height of chimnies.

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

And conduct of persons at fire.

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 appoint officers to carry rules into effect.

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 defray expenses to prevent fires.

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

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

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 authorize the demolition of buildings in case of fire.

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

To prevent depredations at fires.

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

To defray the expenses incurred by wounds or diseases

contracted at fires, or
to grant pensions.

or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals, or otherwise, upon any person who shall have performed any meritorious action at any fire.

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

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

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

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

Fines and imprison-
ment limited.

Firemen exempted
from certain duties.

LX. 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.

Council empowered
to impose penalty on
assessors neglecting
their duty.

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

Chimnies how to be
swept.

Sweepers to be licens-
ed.

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

Allowances to such
Sweeps to be estab-
lished by a Tariff.

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.

LXIII. 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 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.

LXIV. 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.

LXV. 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.

LXVI. 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

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 nature of such chimneys.

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

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

How Council may acquire real estate.

into,

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 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 said Council.

LXVII. 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.

LXVIII. 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*, or in the event of the said party being absent from the District of Montreal, and there being no curator, administrator, attorney, agent or curator *ad hoc* to the said party, then, upon proof that public notice was given and published, at least twice a week for two months in at least one newspaper published in the English and one newspaper published in the French language in the said City, of the intention of the said Council to present such petition to 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 or 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

Provision as to the mode of summoning

of the Jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the Jurors had agreed therein: and provided further, the said Jurors shall not as heretofore, be taken irregularly from the list of persons qualified to be such Jurors in civil cases, but a sufficient list of Jurors shall be made out in rotation in the order in which the names may stand on the said general list of persons residing in the said City of Montreal, qualified to be such Jurors in civil cases, beginning therein from when the names have been last taken for a trial by Jury; and the Jury or Panel of Jurors to determine the price or compensation of the land, or other fact in which the said Corporation is interested, shall be selected or struck from the said list of Jurors so made or taken from the said general list as aforesaid in the same way that lists of Special Jurors or Jurors in civil cases are now or may hereafter be selected or struck for the trial of any issue between individuals in civil cases; and, Juries empanelled to determine as aforesaid the price or compensation to be paid for real estate required by the Corporation, are hereby required not to award, in the manner heretofore done, the actual and abstract value of the property taken or to be taken by the said Corporation, but on the contrary to determine and award what may be the damage to, or deterioration in value (if any) of the residue of the property, by the separation from it of the part required by the said Corporation, and the application of the said part to the purposes or improvement for which the same is so required; and when no damage may be occasioned to the residue of the said property by the said separation from it of the part required as aforesaid, or when on the contrary the said residue of property is increased in value by the improvement, then that the said Jury do not award any price or compensation for the part so required, taken or to be taken by the said Corporation as aforesaid.

jurors, and the manner in which they are to decide.

LXIX. 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 Superior Court sitting 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.

LXX. 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.

LXXI. 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

Council may acquire ground to open streets, &c.

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.

Corporations may invest price or compensation for property.

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

Council may purchase property for public cemetery.

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

As to parties applying for any specific local improvement in any street.

LXXIV. And be it enacted, That in all cases where the Proprietors of the majority of the real estate in any street, square or section of the City, that is to say, the Proprietors of the larger part in value, of the said real estate, may apply to the said Council for any specific local improvement in or to the said street, square or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same; and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof which the said Council may determine to be borne by the parties interested in the same, the said Council is hereby empowered to impose and levy by By-law a Special Rate Tax or Assessment, on all real estate in the said street, square or section of the City benefited, or to be benefited by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide, which said rate, tax or assessment, it shall also be in the power of the said Council, if the said Council see fit, to regulate and apply to and upon such Real Estate to be rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement.

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

LXXV. And be it enacted, That in all cases of the non-payment of the assessment on any real property in the said City liable to assessment, an increase of ten per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon, and be made to, all arrears of assessment due on such property, so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years' non-payment of the said arrears of assessment, and increase of ten per cent. thereon, be liable to be sold therefor; And the Sheriff of the District of Montreal is hereby authorized and empowered to sell and 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 said Superior Court or in the Recorder's Court, upon a Writ or Order to that effect being duly made and directed to the said Sheriff from the said Superior Court or the said Recorder's Court, and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the said Superior Court, sitting in the District of Montreal, to be by the said Court adjudged upon, distributed and ordered to be paid according to Law, and the rights and privileges of the parties claiming the same: Provided however, that any balance or amount of the said moneys to be so as aforesaid levied by the said Sheriff,

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 Superior Court.

Balance to be paid over to the Corporation, and liable to six

remaining

remaining in the hands of the said Sheriff, after the judgment and distribution pronounced thereon by the said Court, shall, within fifteen days thereafter, be paid over by the said Sheriff to the said Mayor, Aldermen and Citizens of the City of Montreal, to remain in their hands, at the legal interest of six per cent. till demanded and claimed by the party or parties having a right to demand and claim the same.

per cent. interest, till demanded by the party claiming the same.

LXXVI. 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; Provided always, that a judgment obtained or execution issued against either party, Proprietor or Tenant, shall not debar or hinder proceedings against the other party for payment of the said rate or assessment, if the same cannot be had or obtained from the party first proceeded against.

Tenant liable to pay assessment, with right to deduct amount paid from rent.

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

Privilege granted to secure five years' assessments.

LXXVIII. And whereas many cases arise of enquiries into facts before the said Council, as well as before Committees thereof when the interests of justice would be promoted, if the witnesses brought forward could be examined on oath, and power were given to the said Council and Committee to compel the attendance of witnesses before them: Be it therefore enacted, That upon any enquiry or investigation being entered into before the said Council or any Committee thereof, other than those already provided for by Law, it shall be lawful for the Mayor of the said City, or other person representing him, to issue his Summons requiring any person to appear before the said Council, or any Committee thereof as aforesaid, for the purpose of giving evidence touching the said enquiry or investigation, and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such Summons, and no reasonable excuse for his absence shall be proved before the said Council or Committee, or if any person appearing in obedience to such Summons, shall refuse to be examined on oath touching the said enquiry or investigation, it shall be lawful for the said Mayor to enforce the attendance of all such persons, and to compel such persons to answer all lawful questions by the like means as are used for such purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada: and every person so neglecting or refusing to appear or refusing to be examined on oath as aforesaid, shall, moreover, on conviction thereof before the Recorder's Court of the said City of Montreal, forfeit and pay such sum of money not exceeding Five Pounds, and be liable to such imprisonment not exceeding thirty days, as to the said Recorder's Court shall seem meet; And any person who shall wilfully and corruptly give false evidence upon

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

Penalty.

upon

upon any such inquiry or investigation, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence.

Recorder's Court established.

LXXIX. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned: Be it therefore enacted, That there shall be a Court of Record in the said City, which shall be called the Recorder's Court of the City of Montreal, and wherein the Recorder for the time being shall preside, assisted by one or more of the Aldermen or Councillors of the said City, or in the absence of the Recorder, from sickness or other causes, or when there shall be no Recorder, the Mayor, or one of the Aldermen or Councillors of the said City, shall preside; and such Court shall in all cases possess the like powers, and have the like jurisdiction, as to crimes, offences, and misdemeanors, committed in the said City, as the Court of Weekly Sessions of the Peace, for the said City of Montreal, now has or hereafter may have by law, as to crimes, offences and misdemeanors, committed within its local jurisdiction, as well as in all those matters of Civil concern, not belonging to the ordinary jurisdiction of a Court of Justice, as have been or may hereafter be by Law vested in the said Court of Weekly Sessions of the Peace; and it shall be lawful for the said Recorder's Court to hear and determine all causes and suits that may be brought by the said Corporation of the said City, for the recovery of any sum or sums of money that may be due and payable to the said Corporation of the said City, as the amount of any rate, assessment, tax, duty or impost lawfully imposed by any By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said City, and all causes and suits that may be brought by the said Corporation, for the recovery of any sum or sums of money that may be due and payable to the said Corporation, for the rent or occupation of any Butcher's or Huckster's Stall, or other stall or stand whatsoever, in or upon any of the Public Markets of the said City, or as and for the amount of any rate, tax, duty or impost now levied or collected, or that may hereafter be lawfully imposed, levied or collected on any of the said Public Markets; also to hear and determine all causes and suits that may be brought by the said Corporation of the said City of Montreal, for the recovery of any water rent or revenue, or any sum or sums of money whatsoever that may be due and payable to the said Corporation for water rent, or for any supply of water given or furnished from the Montreal Water Works, now the property of the said Corporation, to any house or premises, or to or for the use of any person or persons in the said City, or for the introduction of any pipe or pipes from the said works into any house or premises in the said City, or the enlarging, extending, repairing, altering, removing or changing of any such pipe or pipes, in any house or premises, or at the instance or request, or for the use or benefit of any person or persons in the said City; and also to hear and determine all offences against any such By-law, Rule, Regulation or Order, or against any Law concerning any Market or Markets in the said City, or against any Law concerning any assessment, tax or duty, to be levied in the said City, or against any of the provisions of an Ordinance of the Legislature of the Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*; and also to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred, and be due and payable under any such By-law, Rule, Regulation or Order now in force, or that hereafter may be in force in the said City as aforesaid, or under this Act, or under any Act or Acts concerning any Market or Markets in the said City, or under any Act or Acts concerning assessment to be raised in the said City, or under any of the provisions of the said Ordinance, passed in the second year of Her Majesty's Reign, and intituled, as above mentioned, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*: and for the purposes aforesaid, the said Recorder's Court shall be held from time to time, as occasion may require, in the City Hall of the said City, or in such other place in the said City as the said Council of the said City may ordain; and the City Clerk of the City of Montreal shall

shall be the Clerk of the said Recorder's Court; and the Precepts, Writs and Processes, to be issued out of the said Recorder's Court, shall not require to be under any Seal, but shall run and be in the name and style of Her Majesty, Her Heirs or Successors, and shall be signed by the Recorder of the said City of Montreal, or in the event of his absence or non-appointment, by the said Mayor or Alderman or Councillor presiding, and be countersigned by the said Clerk; and it shall be lawful for the said Court to summon, by a Writ to be signed and countersigned as aforesaid, the party accused of any offence as aforesaid, or from whom any sum of money shall be claimed for any one or more of the causes in this section before set forth, and the witnesses to be heard as well in his favour as against such party, and upon the appearance or default of the party accused or complained against, in not appearing, upon proof of service of such Summons by the return in writing of the person who made the service, to proceed with the examination of the witness or witnesses on oath, and to give judgment accordingly, awarding costs for the successful party; and when the party accused or complained against shall be convicted of such offence, or if judgment be given in favour of the Prosecutors for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to issue a Warrant or Warrants, to be signed and countersigned as aforesaid, requiring any Constable or Bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made; which Warrant shall authorize any Constable or Bailiff to execute such Warrant in any part of the District of Montreal, by *saisie* and sale of any goods and chattels which shall and may be found in the said District, appertaining to the person or persons against whom such Warrant shall thus be issued; and when the goods of a person so convicted, or against whom a judgment shall be given, shall not prove sufficient to satisfy such Warrant, upon a return to that effect, the said Court, by a further Warrant to be signed and countersigned as aforesaid, to be addressed to any Constable or Bailiff, may and shall cause to be apprehended and committed, the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given, with the costs in either case, shall have been paid and satisfied: Provided always, that no person so committed shall be detained in gaol more than one calendar month; and provided also, that such imprisonment shall not in any case have the effect of satisfying the said judgment, or of debarring the said prosecutors from enforcing payment of the said judgment, by seizure of any goods or chattels, or lands and tenements, liable to seizure, that may afterwards be found belonging to the said parties, or by any other legal means or process whatsoever, other than imprisonment of the said parties; and where imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Recorder's Court, the said last mentioned Court, by a Warrant, to be signed and countersigned as aforesaid, and to be addressed to any Constable or Bailiff, shall cause such person so ordered to be imprisoned to be forthwith apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District in which such person may be found, there to remain for the time he may be so condemned to be imprisoned.

Proviso.

LXXX. And be it enacted, That it shall be lawful for the said Recorder's Court to cause order to be preserved in the said Recorder's Court, and to punish by fine or imprisonment any person guilty of any contempt of the said Court or of any member thereof, if such contempt be committed during the sitting, and in the presence of the said Recorder's Court; to enforce the attendance of any witnesses in any action, cause or prosecution, that may be pending before the said Recorder's Court, and to compel such witnesses to answer all lawful questions; to authorize and require the examination of any party on interrogatories on facts and articles *faits et articles*, or

Power of the Recorder's Court further defined.

on the *juramentum litis decisorium*, or on the *juramentum judiciale*, in the same and like cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of Civil Jurisdiction in Lower Canada; and to cause the execution of, and obedience to any Order, Precept, Writ, Process or Warrant, that may issue from the said Recorder's Court, for any one or more of the purposes aforesaid, by the like means as are used for any such purpose or purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada. And it shall be lawful for the Council of the said City of Montreal, to appoint so many Bailiffs of the said Court, as the said Council may think fit; and to make and settle a tariff of the fees which should be exacted by the Clerk of the said Recorder's Court and by the Bailiffs and other such Officers, to be employed in and about the said Recorder's Court: Provided always, that no fee shall be exacted under such tariff until such tariff be approved of by the Governor in Council. And it shall be the duty of the Clerk of the said Recorder's Court, to prepare and make out all the Precepts, Writs and Processes severally that may issue from the said Court, and in a Register, to be kept for that purpose, to enter in a succinct manner, all the proceedings had in the said Court, and to record at full length all the judgments rendered, and convictions pronounced by the said Court, but not to take in writing the depositions of witnesses or of parties examined in the said Court; and any person who shall, either as a party or as a witness, wilfully and corruptly give false evidence, in any cause, suit, action, prosecution, or other proceeding in the said Recorder's Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties of wilful and corrupt perjury; and any Member of the said Council, excepting the Mayor, Aldermen or Councillors of the said Council then sitting in the said Court, and any Member, Officer or Servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Recorder's Court, if he have no direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage, or custom to the contrary notwithstanding. And any toll, assessment, tax, duty or impost, fine or penalty, that may be sued for in the said Recorder's Court, shall be recoverable there, upon the oath of one credible witness; and any person prosecuted in the said Court, for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness.

Proviso.

As to the appointment of a Recorder for the City of Montreal, &c.

LXXXI. And be it enacted, That the Recorder for the said City of Montreal shall be a Barrister of that part of the Province of Canada heretofore Lower Canada, of not less than five years standing, and shall be appointed by the Crown during pleasure, and such Recorder shall be ex-officio a Justice of the Peace, in and for the said City and District of Montreal, and shall receive a salary of not less than Three Hundred Pounds per annum, payable monthly out of the Funds of the said City: Provided always nevertheless, that the said Recorder shall not in the first instance be appointed until after the Corporation of the said City shall have communicated to the Governor General of this Province, through the Provincial Secretary thereof, their opinion that such an Officer is required for the better conduct of the affairs of the said City, and administration of Justice therein.

Proviso.

Further powers of the Recorder's Court.

LXXXII. And be it enacted, That it shall be lawful for the said Recorder's Court to be held and to sit daily, and as many times as may be necessary each day, without previous notice or time fixed, to summarily hear and determine upon the case of any person offending against the provisions of the said Ordinance passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, or the provisions of any Act or Acts concerning Assessments to be raised in the said City, or concerning Markets, or against any By-law, Rule, Regulation or Order now in force, or that may be hereafter in force in the said City; and upon the case of any vagrant, loose, idle or disorderly person, and other offenders arrested by or in charge of the Police of the said City, the cases of persons arrested on view, or immediately after the commission

of

of any offence, or by Warrant issued out of the said Court, or by the said Recorder, or by any Justice of the Peace for the said District of Montreal; and it shall and may be lawful for the Police or Constabulary Force of the said City of Montreal, or for any other Peace Officer or Constable, to bring before the said Recorder's Court, or before the said Recorder, or, in case of his absence as aforesaid, before the Mayor, or such of the Aldermen or Councillors of the said City as may be appointed to act in his stead, in the City Hall of the said City, any person offending as aforesaid against the provisions of the said Ordinance, against any Act or Acts concerning Assessments or Markets, or against any By-law, Rule, Regulation or Order now in force, or that may hereafter be so, in the said City, and any vagrant, loose, idle or disorderly person, and every person arrested as such, to be then and there dealt with according to law, as the said Recorder's Court, the said Recorder individually, or the Mayor, Alderman or Councillor aforesaid, may adjudge and determine.

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

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

LXXXIV. And be it enacted, That all and every the Records, Registers, Documents and Proceedings of the Mayor's Court of the said City of Montreal, shall forthwith after this Act shall come fully into effect, be transmitted into, and make part of the Records, Registers, Documents and Proceedings of the said Recorder's Court hereby established, and the said Mayor's Court shall, after the time aforesaid, cease to be held in the said City, and that no Judgment, Order, Rule or Act of the said Mayor's Court legally pronounced, given, heard or done, before this Act shall come fully into effect, shall be hereby avoided, but shall remain in full force and virtue, as if this Act had not been passed, nor shall any suit, cause or proceeding commenced or depending in the said Mayor's Court, be abated, discontinued or annulled by reason of the change made in the constitution of the said Court by this Act, but the same shall in their then present condition be respectively transferred to, and subsist and depend in, the said Recorder's Court hereby established, to all intents and purposes, as if they had respectively been commenced, brought or recorded in the said last mentioned Court, which shall have full power and authority to proceed accordingly in and upon all such suits, causes or proceedings, to judgment or execution, and to make such Rules and Orders respecting the same as the said Recorder's Court is hereby empowered to make in suits, causes or proceedings, commenced in, and depending before, the said last mentioned Court.

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

LXXXV. And be it enacted, That it shall be lawful for the said Council to establish and regulate a Police Force for the said City, and for that purpose from time to time as occasion may require, to appoint, either from the Police Force, now under the control of the said Council, or from any other persons, a sufficient number of fit men, who shall be sworn before the Mayor or Recorder of the said City, or before some Justice of

Police Force established.

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.

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

Further powers given to the Police Force.

LXXXVII. And be it enacted, That in addition to the powers and authority conferred by the preceding section of this Act, on the said Constabulary Force, it shall and may be lawful for any Officer or Constable of the said Force, by day as well as by night, to arrest on view any person offending against any of the By-laws, Rules and Regulations of the said City of Montreal, or of the Council thereof, the violation of which is punishable with imprisonment; and it may and shall be lawful also for any such Officer or Constable to arrest any such Offender against any such By-law, Rule or Regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence, and the parties by whom committed: and all persons so summarily arrested shall be forthwith conveyed to the City Hall for trial, before the said Recorder's Court, if then sitting, or if the said Recorder's Court can be soon thereafter assembled, or if not, that Bail or Recognizance may be taken by the said Recorder, by the said Mayor, or any Alderman or Councillor of the said City appointed to act in his stead, that the said parties shall appear at the next sitting of the said Recorder's Court, to answer the charge or plaint preferred against them, and for which they may have been so arrested as aforesaid; and every Recognizance so taken shall be of equal obligation

obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court as Recognizances taken before a Justice of the Peace, and estreated before the General or Quarter Sessions of the Peace for the said District of Montreal: Provided that nothing herein contained shall prevent the persons so summarily arrested as aforesaid, from being at once examined and tried, when taken to the City Hall as aforesaid before the said Recorder, or in his absence before the said Mayor, or any Alderman or Councillor appointed to act in his stead, if the offence for which the said parties have been so arrested as aforesaid may legally be tried by the said Recorder, or in his absence before the said Mayor, Alderman or Councillor as aforesaid, being a Justice of the Peace in the said City of Montreal, under the provisions of the said last mentioned Ordinance, or any other Ordinance or Act now in force in the said Province.

Proviso.

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

Bail to be taken in certain cases

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

Officer or Constable punishable for neglect of duty.

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

Person assaulting an Officer or Constable how punished.

Proviso.

Certain laws to continue repealed, and certain laws repealed.

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

XCII. 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 Harbor 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 St. Lawrence; to employ the Constabulary Force of the said City in the maintenance of peace and good order on the said Wharves, and to appoint and designate stands or places of rendez-vous for carts and carriages thereon.

Proviso.

How this Act is to be understood with regard to powers conferred on Police Inspector, &c., by previous enactments.

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

Reservation of Her Majesty's rights.

XCIV. 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.

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

Public Act.

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