

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1848. Montreal: Stewart Derbshire & George Desbarats, 1848.

11 Victoria – Chapter 11

**An Act to amend the Laws relating to the Incorporation of the City of Montreal. 23d March, 1848.**

Whereas doubts have arisen as to the true intent and meaning of that part of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain other Ordinance amending that Ordinance*, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance, which establishes a Mayor's Court in the City of Montreal, and it is expedient more clearly to define the authority of the said Court, and also to extend the jurisdiction thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in addition to the powers and authority already conferred by law upon the Mayor's Court of the said City of Montreal, established under and by virtue of the Act cited in the preamble to this Act, it shall be lawful for the said Mayor's Court to hear and determine all causes and suits that may be brought by the Corporation of the said City of Montreal, 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 of Montreal, or as and for the amount of any rate, tax, duty or impost now levied or collected on any of the said public markets, or that may hereafter be lawfully imposed thereon; and also, to hear and determine all causes and suits that maybe brought by the said Corporation, of the said City of Montreal for the recovery of any water rent, or any sum or sums of money or revenue that may be due and payable to the said Corporation of the said City of Montreal, for -water rent, or for the supply of water to any house or premises, or to any person or persons in the said City of Montreal, from the Montreal Water Works, now the property of the said Corporation of the said City of Montreal; and also, to hear and determine all cases of offence against any By-law, Rule, Regulation or Order, now in force or that may hereafter be in force in the said City of 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 By-law, Rule, Regulation, or Order now in force, or that hereafter may be in force in the said City as aforesaid; and for the purposes aforesaid, any three members of the said Council of the said City of Montreal are hereby authorized and empowered to summon by a Writ to be signed and countersigned in the manner provided for in and by the Act aforesaid, the party or parties 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 favor of as against the said party or parties; and upon the appearance of the party or parties accused or complained against, or upon default of the

said party or parties to appear, upon proof of service of Summons upon the said party or parties, either personally or at his, her, or their residence, by the return, under oath, in writing, of the person who made the service, to proceed with the examination, upon oath, of the witness or witnesses, or both, and to give judgment accordingly, awarding costs to the successful party; and when the party or parties accused or complained against shall be convicted of such offence, or when judgment shall 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 cause the amount of such judgment, or of the fine or penalty awarded or imposed by the judgment of the said Court, as the case may be, to be levied of the goods and chattels of the said party or parties, in the manner provided for, in and by the Act aforesaid; and when the said goods and chattels shall not prove sufficient to satisfy the said judgment, then by a Warrant, to cause the person or persons against whom such judgment shall have been given, or the person or persons so convicted, to be apprehended and committed to the Common Gaol of the District of Montreal in the manner, and for the time provided for in and by the said Act; and when imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Mayor's Court, the said Court, by a Warrant, to be signed and countersigned in the manner provided for by the said Act, and to be addressed as therein also provided, shall cause such person or persons 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 of Montreal, there to remain for the time such person or persons may be so condemned to be imprisoned.

II. And be it enacted, That it shall be lawful for the said Council of the said City of Montreal to impose, by By-law, a fine not exceeding twenty shillings, currency, or an imprisonment not exceeding ten days, or both, on any person or persons hiring, engaging or employing carters in the said City of Montreal, and neglecting or refusing to pay such carters for their services, according to the rates or charges which they are entitled to demand and receive therefor by the By-laws of the said Council.

III. 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 persons whomsoever, without being specially pleaded.

IV. And be it enacted, That this Act shall continue in force for two years, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.