

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbshire and George Desbarts, 1852.

16 Victoria – Chapter 128

**An Act to amend the provisions of the several Acts for the Incorporation of the City of Montreal. Assented to 23rd May, 1853.**

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

II. And be it enacted, That it shall be the duty of the Council of the said City, and they are hereby empowered, at each and every quarterly meeting of the said City Council, to elect from among themselves a Member to act as Mayor in the event of the absence or sickness of the Mayor of the said City, or of any vacancy in the office of Mayor of the said City, and such Member so elected shall, during such absence or sickness, or vacancy, have and exercise, until the ensuing Quarterly Meeting, all the power, authority and rights, vested by law in the Mayor of the said City.

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

property, to the prejudice of any Mortgage or privileged claimant thereon, other than for the assessments upon such real property, shall be held to be paid by the person or persons owing such assessments, but the Mortgage or privileged claimant so prejudiced shall be to all intents and purposes subrogated in the rights of the said Corporation, as to such assessments, and shall have the power to proceed in his or her own name for the recovery of such assessments either by action or opposition to the same extent, and in the same manner that the said Corporation could have done if such Collocation had not taken place.

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

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

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