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No. 196.

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1st Session, 6th Parliament, 21 Victoria, 1858.

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(LOCAL BILL.)

**BILL.**

An Act to amend the Acts incorporating  
the City of Montreal.

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Received and read, first time, Monday, 31st  
May, 1858.

Second reading, Tuesday      stJne, 1858.

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MR. SOL. GEN. ROSE.

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TORONTO.

PRINTED BY JOHN LOVELL, YONGE STREET.

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

**W**HEREAS it is expedient to repeal the Act passed in the 18th year of Her Majesty's reign, and intituled "*An Act to amend the provisions of the several Acts for the incorporation of the City of Montreal*" and also to repeal in part, and to amend the provisions of other pre-existing Acts relating to the incorporation of the City of Montreal, and to vest certain further powers in the Corporation thereby constituted, and to remove certain doubts which have arisen as to the true intent and meaning of certain clauses in the said Acts: Therefore Her Majesty, &c., enacts as follows :

Preamble,  
18 Vic., c. 166.

10 I. The said Act passed in the 18th year of Her Majesty's reign, intituled, "*An Act to amend the provisions of the several Acts for the incorporation of the City of Montreal,*" shall be, and the same is hereby repealed.

Act 18 Vic.,  
cap. 166, re-  
pealed.

15 II. The second section of the Act made and passed in the Session held in 14th and 15th years 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 Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal,*" shall be, and is hereby  
20 amended by striking out the words "fifty-second and fifty-third," in the fifth and sixth lines thereof, and substituting the words "fifty-fourth and fifty-fifth" in their places respectively.

Section 2 of  
14 and 15 V.,  
c. 128 amend-  
ed.

III. The eleventh section of the said last cited Act, 14 and 15 Vict., chap. 128, shall be and the same is hereby repealed.

Section 11 of  
the said Act  
repealed.

25 IV. The Councillors of the said City of Montreal shall be chosen by the majority of voters of such male persons, &c. "*It is proposed to make the qualification of Municipal Electors the same as that to be adopted for Parliamentary Electors in the Bill to amend the Election Laws now before the Legislative Assembly.*"

Qualification  
of voters at  
Elections of  
Councillors.

30 V. Every voter shall vote in the ward in which he is assessed, unless he be qualified to vote in more than one ward, then in the ward in which he shall reside; and each voter qualified to vote in one ward only shall vote in such ward, and each voter qualified to vote in more wards than one and resident without the limits of the City, shall declare, at least  
58 one month before the election, in which ward he wishes to vote, and in default of so doing he shall not be permitted to vote at such election;

In what ward  
each elector  
shall vote.

No one to vote more than once. and no person shall be permitted to give more than one vote at any election.

Section 13 of 14 and 15 Vie., ch. 128, explained.

Proviso.

VI. And whereas doubts have arisen as to the true intent and meaning of that enactment of the fifteenth section of the Act last cited, whereby power is given to the Board of Revisors to correct any mistake, or supply any accidental omission made by the Assessors in the voters' lists, be it therefore declared, and further ordained and enacted, that the power so given shall not extend to the adding to, or erasing from, the said lists, or any of them, of any voter's name, unless a request be made in writing to that effect, in the manner and within the delay prescribed by the 14th section of the said Act: Provided, however, that nothing herein contained shall prevent the said Board from erasing from any of the said lists, the name of any person that may be proved to them to be dead at the time of the revision of the said lists, or of any person whose name may have been erroneously included in any one or more lists, than the voter's list of the ward in which, according to the provisions of the 24th section of the said Act, he is alone entitled to vote; neither shall it prevent the said Board from correcting any mistake made in the Christian or first name of any voter whose name is inserted on any of the said lists, or in the spelling of the surname of any such voter, or from adding to, or removing from, the said lists any second or intermediate name or names that may have been erroneously omitted from, or added to, the name of any voter thereon, or from correcting any obviously clerical error in the name, residence, or occupation of any voter in the said lists.

Recital.

Nomination day for the office of Mayor or Councillor.

Who shall preside.

Where to be held.

Nomination.

If only one person be

VII. And whereas it is necessary to make provisions whereby a poll or contest may be avoided in certain cases where no division of opinion exists amongst the electors, in respect of the person intended to be elected Mayor of the said City, or in respect of those intended to be elected Councillors in any or all of the wards thereof; and it is also necessary to provide, that the Candidates for any of the said offices shall be publicly known, and that none other but those named shall be or may be elected: Be it therefore enacted, that hereafter the twelfth day of February in each year, or if that be a holiday, then the next following not being a holiday, shall be and the same is hereby fixed as the nomination day for all Candidates for the offices of Mayor of the said City and of Councillors for the several wards thereof; and such Alderman or City Councillor as shall at the last previous meeting of the City Council have been named and appointed for that purpose, shall preside at each of the nominations of candidates for the offices of Mayor and of Councillors respectively which shall be held in the open air; that for the office of Mayor at the Bonsecours Market, and those for Councillors at such places in the several wards, to be fixed by the said Council, as that all the electors may have free access thereto; and at ten o'clock in the forenoon of the said day, the Alderman or Councillor appointed to preside at each such nomination shall proceed to the place where the same is to be held as aforesaid, and shall then and there require the electors there present to name the person or persons whom they wish to choose as Mayor, or as Councillor or Councillors, as the case may be, and any two duly qualified electors of the said City may openly and publicly address to the Aldermen or Councillor presiding at the nomination for the office of Mayor, a demand or requisition that the person by them named be elected Mayor of the said City for the next ensuing term of the said office of Mayor; and in the event of there being only one such

- demand or requisition made as aforesaid, or that all the demands or requisitions so made shall be for one and the same person, then the Alderman or Councillor presiding shall proclaim the said person duly elected Mayor of the said City for the next ensuing term of the said office; and any two qualified electors in any ward of the said City may, on the day aforesaid, openly and publicly address to the Alderman or Councillor presiding at the nomination for the office of Councillor in such ward, a demand or requisition that the person or persons named by them be elected Councillor or Councillors for the said ward in which the said requisitionists are electors as aforesaid; and if there be only one demand or requisition made for the election of a Councillor or Councillors in any ward of the said City, or if all the requisitions made in any such ward be for the election of the same person or persons as Councillor or Councillors for the said ward, then the said Alderman or Councillor presiding shall proclaim the said party or parties named in the said requisition or requisitions (as the case may be,) duly elected Councillor or Councillors for the said ward, for the next ensuing term of the said office or offices; and each and every such election, made as aforesaid without dissent or division therein, shall be forthwith published in at least one English and one French newspaper in the said City, and the said presiding Alderman and Councillors respectively shall, in due course report the said elections to the Council of the said City. In the event of demands or requisitions being made by two or more duly qualified electors as aforesaid for the election of two or more persons as Mayor of the said City, or as Councillor or Councillors in any ward thereof, a poll shall be granted for each and every such election by the said presiding Alderman and Councillors respectively, and the said election shall be proceeded with in the manner heretofore and now done, in all cases of contested elections for the offices of Mayor of the said City, or of Councillor or Councillors in any of the wards thereof: Provided, however, that no person may or shall be voted for at any such election or may or can be elected thereat, for whose election a demand or requisition shall not have been made as aforesaid on the twelfth day of February aforesaid.
- VIII. If after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said City, the Mayor of the said City, or in the event of his omission or refusal, the Council thereof, shall fix a day for the nomination of candidates for the said office, to be made at the place, in the form and manner, and between the hours, provided in the next preceding section of this Act; and the said Mayor or Council (as the case may be) shall at the same time fix a period, within which the election for the candidates to be named, may subsequently take place, if necessary; And in the event of there being only one demand or requisition, made on the said nomination day, or of all the demands or requisitions made thereon, being for the same candidate, then the said party shall be proclaimed duly elected, in the form and manner already provided for; but in the event of there being two or more persons nominated for any such vacancy, a poll shall be granted, and the election shall be proceeded with, in the manner provided for, in and by the said Act 14 and 15 Vict., cap. 128.

named as Mayor.

If there be no more persons named as Councillors than are to be elected.

In other cases a poll to be granted, &c.

Proviso.

In case of extraordinary vacancies occurring among Councillors.

Salary of the Recorder increased.

IX. For and notwithstanding anything to the contrary contained in the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, the salary of the Recorder of the said City shall not be

Recorder not to be assisted by Aldermen or Councillors. 5  
 out of the funds of the said City; and so much of the said Act as provides that the Recorder of the said City shall be assisted in holding the Recorder's Court by one or more of the Aldermen or Councillors of the said City, or that in the absence of the Recorder, from sickness or other causes, the Mayor or one of the Aldermen or Councillors of the said City shall preside in the said Court, shall be and the same is hereby repealed; and it shall be lawful for the said Recorder, from time to time, by an instrument in writing under his hand and seal, to be deposited, filed and registered in the office of the Clerk of the said Recorder's Court, to nominate and appoint some fit and proper person, being an Advocate of not less than five year's standing at the Bar of Lower Canada, to be and act as his Deputy in the event of his illness or necessary absence from the said City, and any such nomination and appointment from time to time to revoke and again to make as circumstances may seem to him to require; and each and every person so nominated and appointed shall, for and during the period of time limited in the instrument containing his appointment, or if no period of time be therein limited, then from the date of the registration thereof as aforesaid until the revocation thereof, have, hold, use, occupy, possess and enjoy, and be vested with all and every the jurisdiction, rights, powers, privileges and authority, and be bound to discharge all the duties of the Recorder for the said City, to the exclusion, for the time being, of the person so nominating and appointing him as aforesaid: 15  
 But to appoint a deputy duly qualified. 10  
 Duties and powers of deputy: to be performed to the exclusion of his principal. 20  
 Proviso. 25  
 Provided, nevertheless, that the said Recorder's Court shall not at any time be deemed to have been illegally held, nor shall the acts of any Deputy Recorder of the said City be deemed invalid, by reason of the absence of the Recorder not being deemed to be necessary within the meaning of this Act.

Recorder's Court to have exclusive jurisdiction in complaints relative to assessments. 30  
 X. Notwithstanding any thing in the said Act or in any other Act or Law to the contrary, the said Recorder's Court shall have exclusive jurisdiction in all cases of complaint against or objection to the assessment returns to be made in the said City; and it shall be the duty of the Treasurer of the said City, as soon as the Assessors thereof have deposited the assessment books for any ward of the said City in any year in his Office, to cause a notice to that effect to be published in one French and in one English newspaper in the said City, and in every issue thereof, for three weeks; and all persons who may think themselves aggrieved by any thing in the said assessment books contained, may, at any time within three weeks from the day of the date of the first publication of such notice, prepare, or cause to be prepared, a complaint thereof in writing, addressed to the Recorder's Court, and file the same in the Office of the Clerk of the said Court, who shall from time to time give due and sufficient notice, by publication in one English and in one French newspaper in the said City, of the days and hours when the said Recorder's Court will proceed to hear and determine the merits of such complaints generally, or any class or number thereof, respectively; and any party aggrieved by any decision of the said Recorder's Court with respect to any such complaint, may appeal therefrom by summary petition to any one of the Judges of the Superior Court for Lower Canada, sitting at Montreal, presented either in Term or in vacation, within a delay of eight days from and after the rendering of such decision, and thereupon it shall be lawful for such Judge to order that certified copies of the entry or entries in the assessment book complained of 35  
 Notice to be given. 40  
 Appeal to a Judge of the Superior Court. 50

by the Petitioner, and of the decision of the said Recorder's Court on his complaint thereof, together with such complaint itself, be transmitted to him, and upon receipt thereof he shall, after having heard the Petitioner either in person or by his Attorney, make such order in the 5 premises as to law and justice may appertain.

XI. 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: Council may make By-laws for certain purposes.

- 10 1. For the preservation of peace and good order, and the suppression of vice in the said City; for the benefit of the trade, commerce and health thereof; to restrain and prohibit all descriptions of gaming, in the said City, and all playing of cards, dice or other games of chance, with or without betting, in any hotel, restaurant, tavern, inn or shop, 15 either licensed or unlicensed in the said City; to prevent and punish any riot or noise, disturbance or disorderly assemblages; to give power and authority to enter into all groceries, grog-shops, taverns, hotels, and all other houses or places of public entertainment, whether licensed or unlicensed, in the said City, to detect and arrest on view such persons 20 as may be found gaming, playing at cards, dice or other games of chance or in cock-fighting or dog-fighting therein contrary to any by-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein; to restrain and punish vagrants, mendicants, street-beggars, common prostitutes and disorderly 25 persons; to license, regulate or prohibit the exhibitions of common showmen, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical representations; to prohibit or to punish cock-fighting and dog-fighting, and all other cruel sports in the said City; and also to prevent and 30 punish horse-racing and immoderate driving or riding in the streets or highways thereof; to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the City, or to endanger property; 35 to compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also from the sidewalks in front of such premises, and to punish them for not so doing; to prevent the encumbering of the streets, sidewalks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, 40 lumber, timber, firewood, or any other substance or materials whatsoever; to prohibit and punish, or license or regulate, the sale or pedlary of fruit, nuts, cakes, refreshments, bread, jewellery and merchandize of all kinds, in and upon or along the wharves, streets, sidewalks, alleys and public squares of the City; to compel the owner or occupant of 45 any grocery, cellar, tallow-chandler's shop, soap-factory, tannery, stable, barn, sewer, garden field, yard, passage or lot of ground, or any other unwholesome or nauseous house, or place whatsoever, to cleanse, remove, or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the 50 said City; to prohibit any person from bringing, depositing or leaving within the City limits, any dead body or any dead carcase, or other unwholesome or offensive substance; and to require the removal of any such substance, or of any article or thing about or liable to become
- Peace and good order.  
Gaming.  
Disturbances.  
Entry for detection or arrest.  
Beggars and prostitutes.  
Shows.  
Cruelty to animals.  
Kite flying, &c.  
Clearing roofs and side-walks.  
Encumbering streets.  
Pedling goods.  
Certain offensive trades.  
Dead carcasses.  
Unwholesome matters.

unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof, from the party or parties refusing or neglecting to remove or destroy the same.

5

Offensive  
manufactories.

2. To prohibit, if deemed necessary, the erection, use or employment in the said City of all steam-engines, soap and candle, or oil or oil-cake factories, india rubber or oil-cloth factories, slaughter-houses, dyeing establishments, and other factories or establishments wherein work, operations or processes, is or are carried on liable or having a tendency to endanger property, or to affect or endanger the public health or safety ; and the said Council shall have power also to permit such erection, use or employment, subject to such restrictions, limitations and conditions, as the said Council may deem necessary.

10

Animals run-  
ning at large.

3. To restrain and regulate the keeping and running at large of 15 cattle, horses, swine, sheep, goats, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and cost of proceedings, as well as the expense of their keeping ; to regulate and to prevent the running at large of dogs in the said City, and to authorize the destruction of all dogs running at large contrary to any by-law 20 of the said City.

Confiscation  
for light  
weight, &c.

4. To authorize the seizure and confiscation of grain, flour, butter, potatoes and all other vegetables, articles and effects brought to the markets of the said City, for sale or otherwise, for or on account of deficiency in measure, weight or quality, or any other good and suffi- 25 cient cause ; to regulate bakers in the said City of Montreal, and persons in their employ ; to regulate the sale, weight, and quality of bread to be sold or exposed for sale in the said City, and to provide for the examination and weighing of all bread exposed for sale, and for the seizure forfeiture and confiscation, and also the disposal after 30 confiscation of any and all such bread so exposed for sale contrary to the said by-laws, or that may be light or unwholesome ; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing the same, and to do any 35 other act or thing needful or necessary, or that may be deemed for the public benefit and security, to carry out such purpose, or to enforce such by-laws.

Bakers and  
Bread.

Carters and  
drivers of  
hired vehicles.

5. To authorize the granting of licenses to carters, and owners and drivers of public vehicles for hire, in and for the said City, and likewise 40 for the better government of the owners and drivers thereof, and to establish rules and regulations in reference to carts, cabs, caleches, carriages, or other public vehicles for hire, in and for the said City, as well as to fix a tariff of rates and charges for the same ; and further, it shall be lawful for the said Council to make all such owners respon- 45 sible for the misconduct or negligence of their servants, drivers, or persons in their employ, or having charge of their horses or vehicles for the time being, and liable to the same fines and penalties as are or may be imposed by any by-law or by-laws of the said Council upon such servants or drivers, or other persons aforesaid, the actual offenders, 50 any law, usage or custom to the contrary notwithstanding.



6. To regulate, clean, repair, amend, alter, widen, contract, straighten or discontinue, the streets, squares, alleys, highways, bridges, side and cross walks, drains and sewers, and all natural water courses in the said city ; and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury ; and also to determine the course of all natural water courses passing through private property in the said City, and to regulate all matters concerning the same, whether the said water courses be covered or not : They shall also have power to direct and regulate the planting, rearing and preserving of ornamental trees, in the streets, squares and highways of the said City : The said Council shall also have power to cause such of the streets lanes, alleys, highways and public squares, in the said city or any part or parts thereof, as shall not have been heretofore recorded or sufficiently described, to be ascertained, described and entered of record in a book to be kept for that purpose by the City Surveyor of the said City ; and the same, when so entered of record, shall be public highways or grounds ; and the record thereof shall, in all cases, be held and taken as evidence of their being such public highways and grounds.
7. And whereas great inconvenience and loss has been experienced in the City of Montreal, in consequence of the sale of hay, coal, peat or turf, firewood and other woods on wharves, streets, and other public places not allotted for that purpose, be it enacted that the said Council shall have power and authority to make and pass by-laws to regulate the sale of hay, coal, peat or turf, firewood, and other woods, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay, coal, peat or turf, firewood, or other wood, in all places other than public markets, or public or private wood-yards, or such places as the said Council may allot or appropriate for that purpose.
8. And whereas doubts have been raised as to the power heretofore granted to the Council of the said City, to impose duties upon an Insurance Agent or Agents, for each and every Insurance Company, which he or they respectively represent, be it therefore declared that the said Council now hath, and shall henceforth continue to have, full power and authority to impose separate and distinct duties, on the Agent or Agents of Insurance Companies, for each and every Insurance Company, either foreign or domestic, which he or they may represent, or for which he or they may act as such Agents as aforesaid.
9. And the said Council shall have power to fix a tariff of fines and rates to be paid at Pounds now or hereafter to be established in the said City, in lieu of those fines and rates now paid at the same ; any law or custom to the contrary notwithstanding.
10. And the said Council shall have full power and authority to pass by-laws for the better observance of the Lord's Day, commonly called Sunday, in the said City of Montreal, and for that purpose to prohibit the selling, vending, or retailing, by store or shopkeepers, pedlars, hawkers, petty chapmen, hotel keepers, tavern keepers, or other persons keeping houses or places of public entertainment in the said City, and all other persons on the said Lord's Day, of goods, wares or merchandize, wines, spirits, or other strong liquors, or the purchasing or drinking thereof, in any hotel, tavern, or house or place of public entertainment
- Streets, highways, sewers, &c.
- Ornamental trees.
- Survey and registry of streets, &c.
- Sale of hay, coal, fire-wood, &c.
- Duty of Insurance agent.
- Fines and rates at public pounds.
- Observance of the Lord's day.

in the City, by any person or persons; and the said Council may by any such by-law give power and authority to enter into all stores, shops, hotels, taverns, or other houses or places of public entertainment of any description whatsoever in the said City, for the purpose of arresting or view such parties or other persons suspected of so selling, vending or retailing, or offering or exposing for sale or of purchasing or drinking as aforesaid. 5

Penalties under By-laws.

11. 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. 10

Recital of insufficiency of present laws as to assessments.

XII. And whereas it has been found that the system of taxation established in the City of Montreal under and by virtue of the provisions of the Act 14 and 15 Vict. chap. 128 has proved to be unequal and unjust as it bears upon individuals and classes in the community; and it has become necessary to amend and extend the authority of the Council, in relation to all objects of assessment and taxation in the said city, so that the said Council may have the power to establish, by a By-law thereof, another and more equitable system of taxation in the said City, and to substitute the same for that hitherto and now in force therein: Be it therefore enacted, 15 20

All land, &c., and real or personal estate to be taxable.

§ 1. That all lands or real estate and personal estate within the said city, whether owned by individuals or by corporations, shall be liable to assessment or taxation by the said Council of the said city, for the purposes stated and set forth in the Act 14 and 15 Vict. chap. 128, subject to the exemptions hereinafter specified. 25

Interpretation. 'lands and real estate.'

§ 2. The term "land," as used in the preceding clause, and wherever the same may hereafter occur in this Act, shall be construed to include the land itself and all buildings and other articles erected upon or affixed to the same; and the terms "real estate" in the said preceding clause, and wherever the same may hereafter occur in this Act, shall be construed as having the same meaning as the term "land" thus defined. 30

Interpretation. 'Personal estate.'

§ 3. The terms "personal estate," as used in the foregoing clause and wherever the same may hereafter occur in this Act, shall be construed to include all household furniture, monies, goods, wares, and merchandize, and any other stock in trade; debts due from solvent debtors, whether on account, contract, note, bond, or mortgage, more than indebted for; public stocks and stocks in monied corporations or corporations of any kind; ships and vessels, and shares in ships and vessels of every kind; and every description of property owned within the city, not included in the definition of land or real estate, and not hereafter specially exempted from taxation. 35 40

Assessment on real estate and personal estate limited.

XIII. That the assessment or tax upon lands or real estate within the said city, to be levied upon a fairly estimated value thereof, shall not in any one year exceed the rate one half per cent. upon the said estimated value of the said lands or real estate; and the tax to be imposed by the said Council on personal estate within the said city shall not in any one year exceed the rate of one quarter per cent on the fairly estimated value thereof. 45

- XIV. All real and personal estate liable to taxation, shall be estimated and assessed by the assessors at its full and true value, as they would appraise the same in payment of a just debt due from a solvent debtor. Rule of valuation.
- 5 XV. Every *non-resident* carrying on business in the said city, personally or by or through an agent, commission merchant or representative of any kind, shall be liable to assessment taxation or in the same manner as resident merchants or traders; that such assessment or taxation may amount to but shall in no case exceed 10 one half per cent. on the personal estate of the said non-resident merchant or trader, and shall be payable by, and collected from, such agent or representative personally, and from the property of the non-resident himself. Non-residents carrying on business to be taxable. Limitation, &c.
- 15 XVI. It shall be lawful for the said Council to impose a tax upon the nett revenue of all Insurance Companies, and the agents of all such, in the said city, and also upon all Brokers, Agents and Commission Merchants in the said city, which tax shall in no one year exceed the rate of two per cent. upon the said revenue of the said parties. Nett revenues of certain companies and persons to be taxable.
- 20 XVII. It shall be lawful for the said Council to impose a tax upon all Banks in the said city, and upon all Banks and Bank Agencies carrying on business therein, for the proportion of the stock of all such banks and Bank Agencies as shall be employed in the said city, which said tax shall in no one year exceed the rate of 25 one quarter per cent upon the stock employed as aforesaid in the said city. Banks and Bank agencies to be taxable.
- XVIII. It shall be lawful for the said Council to impose a tax upon all other institutions, corporations and companies, and upon all individuals in the said city not bankers carrying on the 30 business of lending money at interest or upon discount, upon the security of real estate, or bonds, notes, or other written promises to repay the same; which said tax shall not in any one year exceed the rate of one half per cent. on the capital or stock invested or employed in the said city in such business of advancing or lending money at interest or 35 upon discount as aforesaid. Persons not bankers but dealers in money taxable.
- XIX. It shall be lawful for the said Council to impose a tax upon all persons in the said city, not hereinafter specially exempted, who derive an income exceeding one hundred pounds currency per annum from the exercise of any profession, office, handicraft or employment, carried on in the said city, which tax shall in 40 no one year exceed the rate of two per cent. on the income taxed: Provided that no person whose income shall not exceed one hundred pounds per annum shall be liable to the said tax; and that the said exemption of one hundred pounds per annum shall be first made and 45 deducted from the amount of all income taxed. Income tax may be imposed. Proviso.
- XX. It shall be lawful for the said Council to impose a poll-tax, not exceeding five shillings currency per head, on all the male inhabitants of the said city above the age of twenty-one years and not exceeding sixty years of age, in lieu and in place of the Poll-tax on males.

tax hitherto imposed for the commutation from statute labor in the said city; and all persons upon whom the said poll tax may be imposed shall pay the same, and no person so taxed shall be allowed to offer his personal labor on the highways instead thereof.

**Special tax on Carters.** XXI. It shall be lawful for the said Council to impose special taxes upon all licenses which they may grant to carters in the said city; and for billiard tables or any other tables or devices of any kind whatsoever, upon or by which any game of hazard or chance can be played; and for travelling circusses and shows or exhibitions of any kind in the said city; which said taxes the said Council may fix and establish in each and every case at such amount as they may deem proper; and which they may from time to time alter, augment, or diminish, in each particular case, and in such manner as they may consider advisable. 5 10

**Special tax on Hotels, &c.** XXII. It shall be lawful for the said Council to impose a special tax upon all hotel and inn-keepers, to be regulated if the said Council see fit, as the tax on hotel and inn-keepers now is, upon the assessed value of the premises, occupied by such hotel and inn-keepers, or in such other manner or way, as the said Council may consider expedient and equitable. 15 20

**On dogs.** XXIII. It may be lawful for the said Council to impose an annual tax to be fixed and regulated by By-law, on all dogs within the said city; which said tax shall be levied upon and shall be payable by the persons owning or keeping such dogs; and in all cases where it may be impossible to discover the owner of any dog in the said city, the occupier of the house or premises wherein such dog is harbored, kept, sheltered or retained, or to which such dog habitually resorts, shall be construed to be the owner of the dog; and shall be liable for the tax on the said dog. 25

**Who shall be deemed the owner.**

**Property exempt from taxation.** XXIV. And be it enacted, That the following property in the city shall be exempted from taxation:— 30

**Churches, hospitals, &c.** 2. All buildings used as places of public worship, convents, public schools, alms-houses, hospitals, houses of refuge and reformation, and public institutions for the advancement of knowledge and science, and savings banks; the household furniture of every person, not exceeding two hundred and fifty pounds currency in value, and also his wearing apparel, farming utensils, and mechanical tools necessary for carrying on his business. 35

**Tax Year.** XXV. All assessments and taxes made and levied in the said City, for any one year, shall in all cases be considered and taken to have been imposed for the year commencing with the first day of May then previously, and ending with the thirtieth day of April then next, unless otherwise expressly provided for, by the enactment or by-law under which the same are imposed, or authorized or directed to be levied. 40 45

**By whom taxes shall be payable.** XXVI. All assessments and taxes made and levied in the said City, shall be due and payable, not only by the owner of the property upon which they shall be imposed, but also by the possessor or occupant of the said 45

**Agents, Attor-**

property as owner thereof; also, by the agent, attorney, or other representative of every such owner; and likewise by the tenant, lessee or occupant of such property; but as already provided for in and by the 76th Section of the said Act 14 and 15 Vic. cap. 128, when any such assessment or tax shall be paid by any tenant, not bound to make such payment, he shall have the right to withhold and deduct the same, from the rent payable by him, for any such property.

neis, tenants, &c., liable.

XXVII. No property of any person invested in the stock of any corporation or association liable to be taxed therefor, shall be rated or taxed against the individual owner of such property.

Stocks in corporate bodies.

XXVIII. It shall be the duty of each party liable to assessment in the said City, to give all necessary information to the Assessors of the said City, or to any one or more of them applying for or demanding such information; and, if required by any one or more of the said Assessors, to deliver to him or them a statement in writing, signed by such party (or his agent or representative if such party be absent) and containing all the particulars respecting the property or income assessable against such party, which are required in the Assessment Roll or Books; and if any reasonable doubt be entertained by the Assessor or Assessors of the correctness of any information given by the party applied to, it shall be the duty of the said Assessor or Assessors to require from him a written statement as aforesaid, and if any such assessable party shall fail to deliver such statement to the said Assessor or Assessors when thereunto required, such person shall thereby forfeit to the said Council of the said City of Montreal, the penalty of *Five Pounds* currency, to be recovered by plaint or information in the usual form, in the Recorder's Court of the said City; Provided that no such statement shall bind the Assessor or Assessors further than they shall from their personal knowledge believe the same to be correct, nor shall it excuse them from making due inquiry whereby to ascertain whether it is or is not correct; and, notwithstanding such statement, they may assess such party for such amounts of property or income as they may believe to be just and correct, and may omit his name or any property which he claims to own or occupy if they shall have reason to believe him not entitled to be placed on the Assessment Roll or Books, or to be assessed for such property.

Taxable parties to give all requisite information to assessors, &c.

Written statement may be required.

Penalty for default.

Proviso.

XXIX. If any party shall have knowingly stated any thing falsely in the written statement required to be made by the preceding section, he may be summarily convicted thereof before the said Recorder's Court of the said City, and shall be liable to a fine of not more than *Five Pounds* currency therefor.

Penalty for false information.

XXX. All the provisions of the next two preceding sections of this Act shall be held to extend and apply to all Companies, Corporations, Associations, Banks, and Bank Agencies in the said City or liable to assessment or taxation therein; and to all Agents, Trustees, Guardians, Executors or Administrators, liable as such to assessment or taxation in the said City.

Sec. 28, 29, to apply to certain parties.

XXXI. For the purpose of constructing and establishing Market Houses and Market Places, in the St. Ann's, St. Antoine, and St. Mary's Wards of the said city, it shall be lawful for the said

Special Market Loan authorized.

Corporation to effect a special loan of eight thousand pounds, sterling money of Great Britain, to be designated "The Market Loan," and to issue under the hand of the Mayor and the Seal of the said Corporation, Debentures or Corporation Bonds, to the said amount of eight thousand pounds, sterling, aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such Debentures shall be headed with the words or title "The Market Loan," to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which coupons being signed by the Mayor or Treasurer of the said Corporation shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall on payment thereof, be delivered up to the said Corporation; and the possession of any such *coupon* by the Corporation, shall be *prima facie* evidence, that the half year's interest therein mentioned has been paid, according to the tenor of such Debenture; and all such Debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the market houses and market places, to be constructed and established by means thereof.

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

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

XXXIV. The said Council shall have power, whenever, in its opinion, public convenience requires it, to sanction and permit the track of any railroad to be laid in or along any street or public ground; and to regulate the use of locomotive engines, and of steam or any other motive

power on any or every portion of any railroad within the City, and to prescribe and regulate the speed of cars upon any and every part of such railroad; and to enact by-laws in pursuance of the powers hereby granted, imposing a penalty of not more than one hundred pounds upon the proprietors or corporations owning any such railroad, or their servants, for each and every violation of any such by-law.

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

By-laws to be public laws in City.

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

Suspending and revoking licenses.

XXXVII. And whereas it is expedient to extend the jurisdiction of the Recorder's Court of the said City of Montreal, to all matters, complaints, or offences cognizable by one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more magistrate or magistrates; be it therefore enacted, that the said Court shall have full power and authority to hear, try, and determine all matters, complaints or offences, which heretofore, by the laws and usages now in force, were cognizable by, and within the jurisdiction of one or more Justice or Justices, Commissioner or Commissioners of the Peace, or one or more magistrates, and further that the forms of procedure, informations, complaints, summonses, warrants, recognizances, proceedings, orders, convictions, commitments, and all other orders, writs, warrants and proceedings generally established in and by the Act of the Legislature of the Province passed in the 14th and 15th years of Her Majesty's reign, and intituled, "*An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders.*" and set forth, and contained in the Schedules of the said last mentioned Act, shall be, and the same are hereby extended and applied to the said Recorder's Court, and *mutatis mutandis* may henceforth be used and employed in all cases of a like or corresponding nature in the said Recorder's Court; and further that all and every the provisions of the said last cited Act, in regard to offences and the mode of prosecuting and punishing therefor, and all the proceedings, orders, and convictions authorized and commanded to be made in and by the said Act, shall be incorporated with this Act, with such modifications as are necessary for their application to the said Recorder's Court.

Recital.

Jurisdiction of Recorder's Court extended.

14 and 15 V. c. 95, to apply to proceedings in Recorder's Court.

XXXVIII. Any one or more joint owners or occupiers of any lot, house or premises, or other real property in the said City, complained of for violation of any by-law of the said Council now or hereafter to be in force, bearing upon the said joint owners or occupiers, or upon the said lot, house or premises, or other real property, in any manner whatsoever, by reason of nuisances committed thereon, or other offences of what nature soever, may be sued alone, or conjointly, in the said Recorder's Court, as may be deemed advisable, as well as the agent or agents of the said joint

Prosecutions against joint owners or occupiers.

owners or occupiers or of any one of them, and the oral testimony of such ownership or occupancy, whether sole or joint or of such agency, or that the parties complained of are reputed to be such owners or occupiers, whether sole or joint, or such agents as aforesaid, shall be deemed sufficient, any law, usage, or custom to the contrary notwithstanding.

5

Mayor, &c.,  
empowered to  
enforce his  
authority in  
certain cases.

XXXIX. The Mayor, or other officer for the time being presiding at any meeting of the Council, shall have power to enforce his authority, for the maintenance of order and decency, by causing to be forcibly put out of, and excluded from the Council Chamber, until the adjournment of the meeting, any member of the Council, persisting in misdemeaning himself, after the Mayor, or officer so presiding, shall declare him to be out of order; Provided that upon a motion to that effect, it shall be resolved by a majority of at least three-fourths of the members present, that the Mayor, or officer presiding, should enforce his authority in that behalf.

15

Section 86 of  
14 and 15 V.,  
c. 128, repeal-  
ed.

XL. The eighty-sixth section of the said Act, 14 and 15 Victoria, chap. 128, shall be and the same is hereby repealed.

Policemen and  
Constables to  
apprehend on  
view, loose,  
idle, and disorderly  
persons.

XLI. It shall be lawful for any police officer or constable of the said city during the time of his being on duty, to apprehend on view, all loose, idle and disorderly persons: that is, all persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, or whom he shall find lying, loitering or wandering, either by night or by day, in any field, highway, yard or other place, and all prostitutes or persons wandering by night or by day, or found lying down, loitering, lodging or sleeping in any barn, shed, outhouse or other building, unoccupied, or in the open air, or under a tent, cart, waggon or other vehicle, not giving a satisfactory account of themselves, and all persons causing a disturbance in the streets or highways, by shouting or otherwise, and to deliver any person so apprehended into the custody of the officer or constable appointed under the said Act, who shall be in attendance at the nearest Police Station or Watch House, in order that such person may be secured until he or she can be brought before the Recorder's Court of the said city, the Recorder of the said city, or 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 the provisions of this enactment, or to give bail to such officer or constable for his appearance before the said Recorder's Court, the said Recorder, or the said Mayor, Alderman or Councillor, if such officer or constable shall think fit to take bail in the manner prescribed by the said Act: And it shall further be lawful for the said Recorder's Court, or the Recorder, or the said Mayor, Alderman or Councillor, by whom any such loose, idle and disorderly person shall be convicted of any of the said recited offences, by confession, or by the oath of one or more credible witness or witnesses, to adjudge that such person shall pay a fine not exceeding *five pounds* current money of this Province, either immediately, or within such period as may be thought fit, and be imprisoned in the common Gaol or House of Correction, at hard labor, for any time not exceeding two calendar months, or to adjudge that such person shall pay a fine of five pounds, said current money, either immediately or within such period as may be thought fit, and that in default of such payment, either immediately or within the time appointed as aforesaid, such person shall be imprisoned in the said common Gaol or House of

Penalty on  
such persons.

Imprisonment  
until the fine  
is paid.



Correction, at hard labor, for any time not exceeding two calendar months; the imprisonment, however, to cease upon payment of the fine imposed, any law, usage or custom to the contrary notwithstanding.

XLII. The ninetieth section of the said last cited Act, 14 and 15 5 Vict., chap. 128, shall be and the same is hereby amended with respect to that part thereof imposing fine and imprisonment; and it is hereby enacted that the said Recorder's Court shall have power and authority either to fine and imprison any person convicted before it, of having assaulted or resisted any officer or constable appointed under the said 10 Act, in the execution of his duty, or of aiding or inciting such person to assault or resist, as declared by the said section, or to adjudge that any such person or persons so convicted as aforesaid, shall for every such offence, forfeit and pay such sum not exceeding five pounds, either immediately, or within such time as may be thought fit, and that in 15 default of such payment, either immediately or within the delay mentioned, such person or persons be imprisoned in the common Gaol, or House of Correction, at hard labor, for a period not exceeding thirty days.

Punishment of persons residing in City Officers or Constables.

XLIII. The said Council shall have full power and authority in all 20 cases of offences for the commission whereof fine and imprisonment are imposed by any By-law of the said Council, to proceed against and prosecute parties charged therewith, either by summons or by warrant issued upon affidavit taken before the Recorder, or Mayor of the said city, or any Alderman or Councillor thereof, as may be thought more 25 advisable for the attainment of justice.

Certain proceedings may be either by warrant or summons.

XLIV. And whereas it is enacted in and by the 74th section of the said Act hereinbefore recited (14 and 15 Victoria, chap. 128), 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 30 larger part in value of the said real estate, and according to the then assessed value thereof, may apply to the said Council for any specific local improvement in and to the said street, square, or section; other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same; and for the purpose of defraying and covering 35 the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by By-law; a special rate tax or assessment on all real estate in the said street, square, or section of the said city, benefitted or to be benefitted by the said im- 40 provement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide: but no provision is made in the said section to fix and determine what real estate in the said street, square or section of the said city is so benefitted or to be benefitted by the said improvement, or 45 to apportion the said special rate, tax or assessment, on the said real estate, as nearly as may be in proportion to the benefits resulting or to result from the said specific improvement: Be it therefore enacted, that in all cases where land or property may have been taken and appropriated for any specific improvement, by virtue of the said in part recited 50 seventy-fourth section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the whole of the real estate in such street, square, or section shall be held to have been equally bene-

Recital of s. 74 of 14, 15 Vic., c. 128.

How property benefitted by any local improvement shall be ascertained.

Inconsistent provisions in the said section repealed.

fitted by such improvement, and shall be equally rated, taxed, or assessed, to provide the expense of the said improvement, as nearly as may be, in whole or in part, according to the manner in which the said Council may have already decided, or shall hereafter decide, that the said expenses thereof was to have been, or shall be, borne by the said Proprietors; and so much of the said section as empowers the said Council to regulate and apply such rate, tax, or assessment to and upon any such real estate to be so rated, taxed or assessed, and according and in proportion to the amount of benefit which will be conferred thereon by the said improvement, shall be and the same is hereby repealed; and the assessed value of all real estate in any such street, square, or section, for the year in which any such aforesaid improvement may have been heretofore made, or in which any such aforesaid improvement may hereafter be made, under the said section shall be held to be the assessed value thereof, for the purposes of the said section.

Provision where property is under lease.

**XLV.** In all cases where the whole or any part of any real estate, subject to any lease or other agreement, shall be taken by the said Council, under the said section of the said Act, all the covenants and stipulations contained in such lease or agreement, shall, upon the final confirmation of the assessment therefor, cease, determine, and be absolutely discharged; and in all cases where a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged only, as to the part so taken; and the decision of the sworn assessors of the said City shall determine the rents, payments and conditions which shall be thereafter paid and performed, under such lease or agreement, in respect to the residue of such real estate.

Certain particulars to appear on voters lists.

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

Recital.

**XLVII.** And whereas it is necessary to amend the seventeenth section of the said Act, 14 and 15 Vict., chap. 128, with respect to the formalities to be observed by the City Clerk, prior to the delivery to any person whose name shall be on the voters' list for any ward, of a certificate to the effect that the name of such person is on such voters' list, and that he is entitled to vote at the election to be held for Mayor of the said City, and for a Councillor or Councillors for such ward; be it therefore enacted, that the said City Clerk or any person acting for him shall have full power and authority, whenever deemed necessary, to administer to such person requiring such certificate, the following oath or affirmation, before delivering the said certificate, viz:

Oath.

Oath before delivery of certificate of right to vote.

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

XLVIII. If any person who shall have or claim to have any right to vote at any election of a Mayor or of a Councillor in the said City, shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for 5 any money, gift or office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself, or by any person employed by him, shall by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or 10 forbear to give his vote in any such election, such person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of ten pounds currency, to be recovered, with full costs of suit, by any one who shall sue for the same in the Circuit Court for the Montreal Circuit, and any person offending in any of the cases aforesaid, being 15 lawfully convicted thereof, shall for ever be disabled to vote in any election in the said City.

Penalty in case of bribery at elections.

XLIX. The sixteenth section of the said Act, 14 and 15 Vict., chap. 128, shall be and the same is hereby repealed.

Section 16 of 14 and 15 Vic. c. 128 repealed.

L. The voters' lists for each ward of the said City, when settled 20 and signed in the manner provided for in and by the said last cited Act, 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 every person whose name shall appear in such ward list, and who shall produce a certificate in the manner provided for by the said Act, shall 25 be entitled to vote at the election for Mayor of the said City, and for a Councillor or Councillors, as the case may be, in the ward stated in his certificate, without any further inquiry as to his qualification: Provided that it shall be lawful for the said Mayor, or for any Alderman or Councillor of the said City, or for the Recorder, or the City Clerk thereof, 30 to administer either, or both, of the following oaths marked one and two, included in this section, to any party producing any such certificate, and claiming a right to deposit the same, and vote at the said election; and it shall be compulsory on the said Mayor, Alderman and Councillors, and upon the said Recorder and City Clerk, to administer either 35 or both of the said oaths, upon the requisition to that effect, of any candidate at the said election, or any duly qualified voter in the said City, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting; of his being of the full age of twenty-one years; or of his having received or been promised any 40 consideration for his vote; and any persons required to take the said oaths, or either of them, and refusing so to do, shall be prohibited from voting, so long as he shall persist in his said refusal and until he shall have taken the said oath or oaths.

Voters' lists for each Ward to be kept at City Hall.

Proviso.

Oath to be administered in certain cases.

Penalty upon refusal.

#### Oath Number One.

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

Form of Oath.

*Oath Number Two.*

**Form of Oath.** You swear that you verily believe you are of the full age of twenty-one years; and you have not already voted at this election; and that you have not received any thing, nor has any other person, to your knowledge or belief, received any thing for you, or on your account or behalf, either directly or indirectly; neither has there been any thing 5  
promised to you, or to your knowledge or belief, to any other person for you, or on your behalf or account, either directly or indirectly, in order to induce you to give your vote at this election, nor do you expect any remuneration, gift or reward, either directly or indirectly, for voting 10  
at this election. So help you God.

**False Oath to be perjury.** LI. Any person who shall swear or affirm falsely, upon the said prescribed oaths number one and two, contained in the preceding section, or either of them, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the pains and penalties of the said offence. 15

**Oath of Office of an Auditor.** LII. Hereafter no Auditor, elected or appointed under the said last cited Act, shall be required to take an oath that he is holder of real or personal estate, as one of the qualifications for holding such office, but the following oath shall be administered to such Auditor by the Mayor, or any Alderman or Councillor thereof, or the City Clerk, 20  
to wit:

**Form of oath.** "You (*name of Auditor*), having been elected Auditor for the City of Montreal, do sincerely and solemnly swear that you will faithfully fulfil the duties of the said office, according to the best of your judgment and abilities. So help you God." And no other oath shall be required of 25  
such Auditor, any thing in the said Act to the contrary notwithstanding.

**Sec. 19 and 24 of 14 and 15 Vict. c. 128 amended.** LIII. The nineteenth and twenty-fourth sections of the Act last cited (14 and 15 Vict., chap. 128), shall be and the same are hereby severally amended, by substituting in the said nineteenth section the words "six- 30  
teenth section," in place of "fifteenth section," and in the said twenty-fourth section the words "for the particular ward, in lieu of within the particular ward."

**Section 33 repealed.** LIV. The thirty-third section of the Act last cited shall be and the same is hereby repealed.

**Sect. 48 and 49 amended.** LV. The forty-eighth and forty-ninth sections of the said last cited 35  
Act shall be and the same are hereby amended in so far as respects the manner of appointing a Chairman at any meeting of the said Council, in the absence of the Mayor and acting Mayor of the said City, so that the said Council shall have full power and authority hereafter, in the absence of the said Mayor and acting Mayor, to choose any Alderman 40  
or Councillor to be Chairman at any such meeting; any thing in the said sections to the contrary notwithstanding.

**Section 56 repealed.** LVI. The 56th section of the Act last cited, the 14 and 15 Vic., chap. 128, shall be and the same is hereby repealed.

**Additional Water rate** LVII. It shall and may be lawful for the said Council of the said 45

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

when works are in readiness.

Proviso.

LVIII. And whereas in cases where the said Council have purchased, or taken and entered into property for the use of, or the improvement or extension of the Water Works of the said City, by virtue of the Act passed in the 7th year of Her Majesty's reign, intituled, "*An Act to authorize the Mayor, Aldermen and citizens of the City of Montreal to purchase, acquire and hold the property now known as the Montreal Water Works,*" and of the Act passed in the 16th year of Her Majesty's reign, intituled, "*An Act to authorize the Mayor, Aldermen and citizens of the City of Montreal, to borrow a certain sum of money, and to erect there-with Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto,*"—doubts have been raised, as to the authority or power of the said Council, to grant mortgages, *hypothèques*, for the price of such property purchased, taken or entered into, or any part thereof, remaining unpaid by the said Council; Be it therefore enacted, that in all such cases, the said Council shall have power and authority to grant mortgages, *hypothèques*, on the property so purchased, or taken, to the person or persons from whom such property may have been heretofore, or shall, hereafter be purchased or taken, or to any other person or persons, having a right to receive, or accept the same, for the price or purchase money thereof, or any part thereof, remaining unpaid and owing, in the like manner as any individual purchaser of the said property might or could have done, or may or can hereafter do.

Recital.

7 Vic. c. 44.

16 Vic. c. 127.

Council to have power to grant mortgages for price of property taken for Water Works.

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

Inconsistent enactments repealed.

LX. This Act shall be held and taken to be a public Act.

Public Act.