

No. 56.

4th Session, 8th Parliament, 29th Victoria, 1865

BILL.

An Act to explain certain enactments of
the Acts of incorporation of the City of
Montreal and for other purposes.

[No. 179 of 1865—1st Session.]

Hon. Atty. Gen. CARTIER.

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An Act to explain certain enactments of the Acts of incorporation of the City of Montreal, and for other purposes.

WHEREAS doubts have arisen as to the true intent and meaning of Preamble. the requirements of the forty-ninth section of the Act of incorporation of the city of Montreal, which may produce disquiet in the public mind, as to the validity of the proceedings adopted by the Council of 5 the city of Montreal at the special meetings thereof from the time of its incorporation to the present day ; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts and declares as follows:

1. All special meetings convened by the order of the Mayor or How special meetings of the City Council shall be called.
 10 Alderman in pursuance of the power granted in the said forty-ninth section, may be so called and convened by the order of the Mayor or Alderman, by verbal or written intimation or notice to the City Clerk, who thereupon shall issue the summons to the members of the said Council in the manner prescribed by the said forty-ninth section.
- 15 2. All special meetings of the said Council called upon a requisition Special meetings on requisition of members. signed by five or more members of the said Council, shall be deemed and considered a sufficient notice to authorize the City Clerk to issue the summons to the members of the Council in the manner prescribed by the said section.
- 20 3. All special meetings of the said Council heretofore called and convened by the Mayor or by an Alderman, or by a requisition signed by five or more members of the said Council without any special notice Special meetings heretofore called as above provided declared to have been legally called. signed by them or any of them to the said City Clerk, requiring him to issue his summons in the form prescribed by the said forty-ninth section, 25 have been so called and convened legally and in accordance with the requirements of the said forty-ninth section.

2. And whereas it is enacted in and by the thirty-third section Recital. of the Act passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chaptered sixty, "that any proprietor 30 in the second, third, and fourth sections of Notre-Dame street aforesaid, whose property, or a portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirma- 35 tion and homologation of the report of the said commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report, by an acceptance of the terms or price set upon his property in the said report ;" but no

Case of proprietor desiring to anticipate time fixed for widening the street.

provision is made to enable the Corporation of the said city to provide the necessary funds to meet the payment of the amount awarded in such cases, it is therefore enacted, that whenever any proprietor in the second, third and fourth sections of Notre-Dame street, may desire to avail himself of the privilege conferred upon him by the said thirty-third section, by anticipating the time fixed for carrying out the widening of the said street in front of his property, such proprietor shall be bound to give a written notice of such his intention to the said Corporation; and it shall be the duty of the said Corporation to deposit, in the hands of the Prothonotary of the Superior Court, within fifteen days from and after the said notice, the amount of the price and compensation which shall have been set upon the said property by the Commissioners.

Proceeding in cases of sales of liquor without license simplified.

3. And whereas it is expedient to simplify the procedure before the Recorder's Court in prosecutions instituted against parties selling spirituous, vinous or fermented liquors without license; it is hereby enacted that the said prosecutions before the said Court may henceforth be instituted either by a writ of summons or by warrant, as provided in and by chapter one hundred and three of the Consolidated Statutes of Canada, in relation to summary convictions before Justices of the Peace.

Oral evidence may be given in such cases.

4. The forty-seventh section of chapter six of the Consolidated Statutes for Lower Canada, by which it is enacted that in the said prosecutions the depositions of the witnesses shall be reduced to writing and shall be filed of record in the cause, is hereby amended, in so far as that it shall not be necessary, hereafter, to reduce the said depositions to writing, but the proof shall be made orally, as in cases of summary convictions.

Con. Stat. L. C. cap. 6, sec. 48, repealed.

5. The forty-eighth section of the said chapter six of the Consolidated Statutes for Lower Canada is hereby repealed.

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Imprisonment may be adjudged in default of immediate payment of fine and costs.

6. The formality of the seizure and sale of the goods and chattels of the Defendant, or of a return of the same being insufficient, prescribed in and by sub-section two of the thirty-seventh section of the said chapter six of the Consolidated Statutes for Lower Canada, as a preliminary step to the imprisonment of the said Defendant, is hereby repealed; and such imprisonment may be pronounced and imposed in default of immediate payment of the fine and costs in accordance with the said sub-section.

Public Act.

7. This Act shall be a public Act.