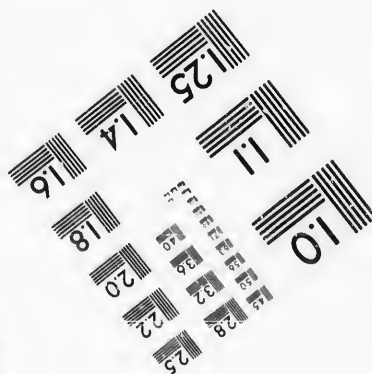
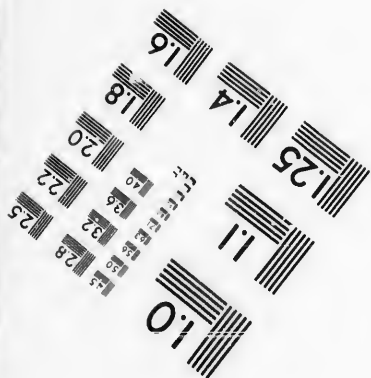
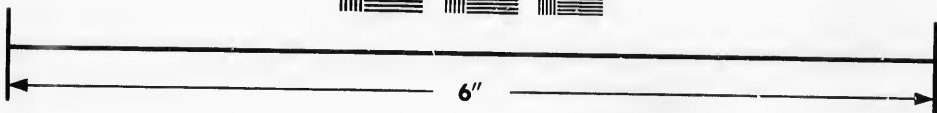
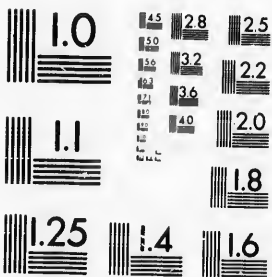


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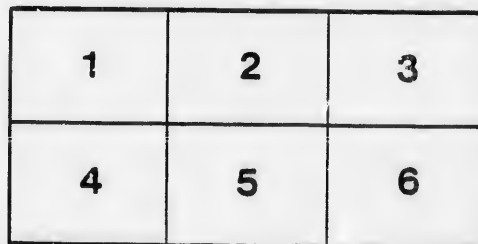
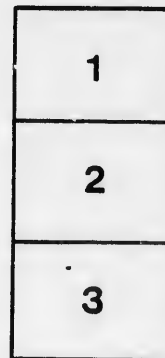
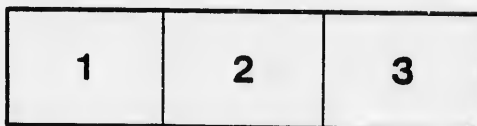
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No.

2d session 2d Parliament 36 Vic. 1872

BILL

An act to amend and consolidate the provisions contained in the acts and ordinances relating to the incorporation of and supply of water to the City of Quebec.

1st reading	1872
2d	"

No.

Council not able to decide a point which is
under a vote - Can the question be adjourned
to the business proceeded with.

If the Council Adjourns on a Question without
deciding does that Question come up as
the first order at following regular Meeting
of Council - if the Question is on a Motion
or subject or then any difference between
substantive motions.

Captain's Action Amendment to after
incident & identity in such a manner
time - how got word?

Members reference to the law force given
if in the building & called to the
Council Room before a decision must
be obeyed -

Amendment to the law - not
in case of the law -

BILL.

An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and supply of water to the City of Quebec.

WHEREAS it is expedient to amend and consolidate the several Acts and Ordinances relating to the incorporation of and supply of water to the City of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Quebec enacts as follow:

CORPORATION.

1. The inhabitants of the City of Quebec shall form and are and shall be and continue to be a body corporate in fact and in name, by and under the name and title of the "Corporation of the City of Quebec," and shall be trustees, and responsible as such for the due performance of the trust.

CORPORATE NAME AND GENERAL POWERS

2. The said Corporation has and shall have perpetual succession, and a common seal, with power to break, renew, change and alter the same at pleasure, and may sue and be sued, implead and be impleaded, in all courts of law and equity, and other places, in all manner of actions, causes and matters whatsoever, and may accept, take, purchase and hold goods and chattels, lands and tenements, real and personal movable or immovable estate, and may grant, sell alienate, assign, demise and convey the same; and may enter into and become a party to contracts; and give and accept any bills, bonds, judgments, or others instruments or securities for the payment or securing the payment of any money borrowed or lent, or for the performance or securing the performance of any duty, matter or thing whatsoever as hereinafter provided.

BOUNDARIES OF THE CITY.

3. The City of Quebec, for all municipal purposes, comprises the whole extent of land within the limits assigned to the said city by a certain proclamation of His Excellency Sir

Alured Clarke, bearing date the seventh day of May, one thousand seven hundred and ninety-two, and in addition thereto, all land extending to low water mark of the River St. Lawrence, in front of the said City, including the shore of the River St. Charles, opposite the said City, as limited by high water mark on the north side of the said river, from the prolongation of the west line of St. Onrs street, to the west line of the farm of the Nuns of the Hôtel-Dieu, thence running southward, along the said line about five hundred and fifty feet, to the southern extremity of a pier erected on the said farm, at low water mark; thence running due east, about eight hundred feet, to the intersection of the line limiting the beach grants of the seigniory of Notre-Dame des Anges, at low water; and finally thence along the said beach line running north forty degrees east, to the intersection of the prolongation of the line of the Commissioners for the Harbour of Quebec, and thence following the said Commissioners' line to the westerly line of the City; the said City also comprises all wharves, piers and other erections, made or to be made in the said river St. Lawrence, opposite to or adjoining the said City, though extending beyond the low water mark of the said river, and being within the said Commissioners' line and even beyond the same; should it be hereafter extended or reduced.

BOUNDARIES OF THE WARDS.

Eight wards. 4. The said City is divided into eight wards, to wit:—St. Lewis Ward; Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward, and Montcalm Ward, and these wards are respectively bounded as follow:

St. Lewis. St. Lewis Ward comprises all that part of the Upper Town within the fortifications, and south of a line drawn from Prescott Gate to St. John's Gate, along the middle of Mountain street, Buade street, Fabrique street, and St. John street.

Palace. Palace Ward comprises all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward.

St. Peter's. St. Peter's Ward comprises all that part of the Lower Town bounded on the south by a line drawn in the middle of Sous-le-Fort street, and prolonged in the same direction to low water mark in the River St. Lawrence at the one end, and to the cliff below the castle of St. Lewis at the other, and on the west by the eastern limits of the parish of St. Roch, together with all the wharves, piers and other erections, opposite to this part of the Lower Town, although built beyond low water mark in the said river;

Champlain Ward comprises all that part of the Lower Town Champlain, lying between St. Peter's Ward and the limits of the said City, together with all wharves, piers and others erections, opposite thereto, although built beyond the low water mark in the said river ;

St. Roch's Ward comprises all that part of the parish of St. Roch's, Roch which lies within the limits of the said City of Quebec, on the north-west side of a line drawn in the middle of St. Joseph street, from one end to the other ;

Jacques Cartier Ward comprises all that part of the parish Jacques Cartier, of St. Roch which lies within the limits of the said City of Quebec, not comprised in the St. Roch's Ward ;

St. John's Ward comprises all that space bounded by Jacques Cartier Ward, the fortifications, the limits of the said City on the west, and a line drawn in the middle of St. John street from St. John's Gate to the western limits of the City.

Montcalm Ward comprises all that space bounded by the Montcalm, fortifications on the east, and on the west by the city limits, on the north by St. John's Ward, and on the south by the *cime du cap* of the St. Lawrence.

OF THE CITY COUNCIL.

CONSTITUTION.

5. On and after the first Monday of May one thousand eight hundred and seventy four, the council of the City of Quebec shall consist of the mayor, eight alderman and sixteen councillors, that is to say, of one alderman and two councillors for each ward ; the said councillors and alderman shall hold office during two years. 33 Vic. C. 46. Council, how composed.

The mayor shall be elected by the absolute majority of the votes of all the members of the council, and shall be chosen from the aldermen or the councillors, and his seat shall thereupon become vacant ; he shall hold office for two years. Mayor by whom elected. His term of office.

The mayor shall receive, out of the funds of the said City a salary not exceeding twelve hundred dollars per annum. The Mayor's salary.

On and after the first Monday of May one thousand eight hundred and seventy four, each ward of this City shall be represented in the City council by one alderman and two councillors, elected for two years by the municipal electors entitled to vote for such ward. Alderman and Councillors for each ward.

Present Mayor, His term of office. The person who shall be mayor of the City at the time of the passing of this act shall continue to hold the said office until the election of his successor or of his re-election under the present act and no longer, unless he shall have previously resigned his seat, or that it have become vacant for any other cause.

Present Aldermen and Councillors. Every person who shall be an alderman or councillor of the said City at the time of the passing of this act shall continue to hold his office until his re-election or the election of his successor, in virtue of the present act, and no longer, unless he shall have previously resigned his seat, or that it have become vacant for any other cause.

QUALIFICATIONS OF THE MAYOR AND OF MEMBERS OF THE COUNCIL.

29, 30 V. C. 57. Qualification of Members of the Council. 6. 1. No person shall be capable of being elected or holding office as Mayor, Alderman or Councillor of the said City, unless he has been a resident householder within the said City for one year next before the election, nor unless he is seized and possessed at the time of the election and during the entire continuance of his said office, to his own use, of real estate within the said City, of the value of two thousand dollars, over and above all rents, charges, debts and hypothecs due or payable upon such real estate, nor unless he is a British subject by birth or naturalization;

To be British subj etc.

Proof of qualification before election or nomination. 2. No person shall be qualified to act as Mayor, Alderman or Councillor, until he shall have placed or caused to be placed in the hands of the City Clerk a certificate of the Recorder or of a Judge of the Superior Court, declaring that such person has proved before him that he possesses the property qualification require by the last preceding subsection; provided, that if such certificate be not produced within two months from the date of his election, the seat of such Mayor, Alderman or Councillors shall be vacant;

Oaths of allegiance and of office.

3. The Mayor, Alderman and Councillors shall not act as such until they shall have taken the oath of allegiance, mentioned in schedule A, and also the oath of office before the Recorder or a Justice of the Peace for the City or district of Quebec;

Persons disqualified.

4. The following persons shall not be elected Mayor, Alderman or Councillors: persons in holy orders, the minister or preaching of religious sects, dissenters or congregations, judges, clerks of courts, persons accountable for the funds of the said City, persons in receipt of salaries, emoluments, fees or wages from the said City for their services, the officers and

employees of the Corporation, poll clerks, persons convicted of treason or felony, before a Court of Justice in any of Her Majesty's possessions, the contractors for the works of the said City or of the water works and their sureties, and generally all parties interested in any manner whatsoever in any contract or bargain with the Corporation."

QUALIFICATION OF ELECTORS.

1. To vote for the election of an alderman or of a councillor the person intending to vote shall be at least of the age of twenty one years, shall have been assessed according to law, shall have paid all his assessments on or before the twentieth of January of each year, shall be a subject of Her Majesty by birth or naturalization, and be inscribed on the list of voters for alderman or councillor for the ward in which he desire to vote.

33, V. C. 44 et
34, V. C. 35.
General qualification.

2. No persons shall be entitled to vote for the election of an alderman unless he is proprietor of immoveable property in the said City of the annual assessed value of fifty dollars or more, nor unless his name be inscribed on the list of electors having the right to vote for an alderman for the ward in which he wishes to vote.

To vote for
Alderman.

3. No person shall vote for councillor unless he is proprietor of immoveable property in the said City of the assessed value of twenty five dollars, nor unless his name is inscribed on the list of persons having the right to vote for a councillors for the ward in which he desires to vote.

Proprietors
voting for
Councillor.

4. Every co proprietor shall be equally entitled to vote for an alderman or for a councillor, if his share of the property is assessed at an annual value sufficiently high, and if he otherwise duly qualified in accordance with the two preceding paragraphs.

Co-proprietors.

5. Notwithstanding the two preceding sub-sections every person shall be entitled to vote for the election of councillor who shall have paid to the city treasurer, before the first of March, the sum of twenty-five dollars of annual assessments of whatever nature for the current year, apart from water tax, and provided that his name is inscribed on the list of voters for councillor, for the ward in which such person desire to vote..

6. Notwithstanding the sub-sections three and four of this section every resident of the said City will have the right to vote for a councillor, provided that previous to the first of March, there shall have been paid to the treasurer of the said City, the sum of ten dollars for such proportion of

the annual assessment on his rental as would before the passing of this act, have fallen to the tenant or other taxes for the current fiscal year, apart from his water rates, and provided his name is inscribed on the list of voters for councillors for the ward in which he resides.

Corporation officers, &c., disqualified.

7. No person being an officer or servant of the corporation, and receiving an income or wages from the corporation as such, or having any subsisting contract with the corporation, or interest in such contract, at the time of such election, or who has received any money, note or promise or reward for his vote, shall vote at any election for alderman or councillor in the said City.

VACANCIES.

33, V. C. 46.
Vacancy in the office of Mayor.

8. 1. If any vacancy occur in the office of mayor, the City council shall, in accordance with the requirements of this act, at its first meeting after the occurring of such vacancy, elect from among their own number a suitable person to be mayor, for the rest of the term of the former mayor, and the seat of the alderman or councillor thus chosen to be mayor, shall be filled up by the election of another councillor or alderman as the case may be, in the manner provided by this act for the election of alderman or councillor.

Mayor absent, &c.

29, V. C. 53
2s s. s. 2.

2. Whenever the mayor is absent from the City, or is incapable from sickness of discharging his duty, the council shall elect from among its members, one who, during such absence or sickness shall possess all the power authority and right vested in the mayor, under the name of "acting mayor;" and the City Clerk shall preside at the said council until the acting Mayor is elected.

31, V. C. 33 s. 1

31, V. C. 33.
Fine for refusing office, &c.

3. Any person duly elected to the office of mayor who refuses to accept the same, shall pay a fine of four hundred dollars; and if the mayor absent himself from the City during more than three consecutive calendar months (except in case of sickness or on public business), he shall in such case cease to hold office as mayor, and shall be liable to the penalty appointed for refusal to accept such office.

To be a J. P.

4. The mayor shall be *ex officio* a Justice of the Peace for the City and District of Quebec;

34, V. C. 35.
How vacancies among aldermen or councillors shall be filled.

9. Any unusual vacancy in the office of alderman or councillor shall be filled as follows:

As soon as such vacancy shall occur, the mayor shall appoint a day for the nomination of the candidates for such vacant office; and two other days on which the voting shall

take place at the office of the city clerk (without prejudice to the manner of voting prescribed by section ten of the act thirty-third Victoria, chapter forty-six and the present act) in the manner prescribed by the said act thirty-third Victoria, chapter forty-six, on the ordinary expiration of office of a councillor or alderman; but there must be an interval of at least fifteen days between the nomination day and that of the closing of the said two polling days at the office of the city clerk; the notice given by the mayor shall be inserted in a French newspaper and an English newspaper published in the City of Quebec at least two days before that fixed for the nomination of the candidates and the clerk or his deputy shall make his report, as prescribed for general elections, with the exception of matters of time upon the number of votes so registered, at the end of the said two polling days and the acts and proceedings subsequent to such report, and the recorder shall as soon as possible, proclaim the newly elected member upon receiving such report which shall be given to him by the clerk within the shortest possible delay.

10. 1. Any person who neglects or refuses to accept the office of alderman or councillor, after having been duly elected thereto; and any alderman or councillors who neglects or refuse to discharge his duty as such, or absent himself from the City, during more than six consecutive calendar months (except in case of sickness, or on the business of the said Corporation), shall incur a penalty of two hundred dollars, and the seat of such alderman or councillor shall thereby become vacant;

Penalty for refusing office &c.

2. Every alderman and councillor shall within forty-eight hours, after he shall have been notified of his election, give notice in writing, to the city clerk, of his acceptance of the office;

Notice of acceptance.

3. Every alderman or councillor elected for more than one ward of the city, shall, within three days after he has received notice thereof, make his choice, in writing, to the city clerk, and on his default, the mayor shall declare for which one of the said wards such person shall serve;

If elected for more than one ward.

4. Any person elected to the office of alderman or councillor who fails to give the city clerk the prescribed notice, shall incur a penalty of two hundred dollars, and a new election shall be held to fill any vacancy occasioned by such double election, or by the non-acceptance or failure on the part of the member elected to discharge the duties of his office as such;

Penalty for not giving notice.

To be J. P's. 5. Every alderman and councillor shall be *ex officio* a Justice of the Peace for the City of Quebec ;

Resigning with leave, &c. 6. The mayor or any alderman or councillor may, at the expiration of six months tenure of office, and with the consent of three-fourths of the members of the council present at any meeting of the said Council, resign his office or seat in the said Council.

DISQUALIFICATION.

Disqualifying acts and circumstances. 11. If the mayor or any alderman or councillor shall be declared insolvent, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or compound with his creditors, or being mayor shall be absent from the City for more than three calendar months, or being an alderman or councillor, for more than six calendar months, at one and the same time, except on account of illness or public business ; or if the mayor or any alderman or councillor shall have a share in any contract or agreement with the said Corporation, either directly or indirectly, or shall be the surety of any contractor with the said Corporation, or derive any emolument or advantage, either directly or indirectly, from any such contract with the said corporation, the office of mayor and of such alderman or councillor shall thereby become vacant ; and in case of there being any such contract or surety, the mayor, alderman or councillor concerned therein shall be liable to a fine of one hundred dollars, to be recovered before the Recorder's Court of the City of Quebec, for each and every day that such mayor, alderman or councillor shall thus illegally hold office as such mayor, alderman or councillor.

Contracts with corporation.

EXEMPTIONS.

Persons exempt. 12. 1. The persons hereinafter mentioned shall be exempted from serving in any municipal office, to wit :

Age. 2. All persons above the age of sixty-five years who shall claim exemption within five days after having received official notice of their election ;

Lunacy, &c. 3. All persons disabled by lunacy or imbecility of mind ;

Public servants 4. All military, naval or marine officers in Her Majesty's service on full pay, Members of the Provincial Legislature, the Judges of any Court of Law residing in the said city, the Adjutant-General and Deputy-Adjutants-General of Militia, Officers of the Customs, Sheriffs and Coroners, Schoolmasters, the clerks and commissioned officers of the Legislature and of the Executive Council, and the Postmaster and his deputies ;

MUNICIPAL ELECTIONS.

VOTERS' LISTS.

1. Before the first day of February in each and every year the valutors or assessors shall prepare for each ward, from the assessment books for the then current fiscal year two alphabetical lists, one containing the names of all persons who shall appear by such books to be assessed at rates sufficiently high to entitle them to vote in such ward for councilors and who shall have paid all their assessments and arrears of taxes other than water-rates before six of the clock in the afternoon of the twentieth January preceeding, for the then current fiscal year.

31 Vic. C. 35.
Two lists to be prepared, before 1st Feby., the one of persons entitled to vote for Councilors and who shall have paid their taxes;

2. The other shall contain the names of all persons being entitled to vote for Aldermen who shall have paid their assessments before six of the clock in the afternoon of the twentieth January preceeding of the then current fiscal year. If the twentieth January be a non-judicial day, the delay mentioned in this and the preceeding section will only extend until six of the clock of the preceeding judicial day.

The other of persons entitled to vote for Aldermen, and who shall have paid their taxes.

3. Before the said first day of February the valutors or assessors shall certify each of the said lists, and shall deliver them to the city clerk, in whose office they shall remain deposited from the said first day of February until the fifteenth day of the said month these two days included, from nine of the clock in the morning, until four of the clock in the afternoon.

Said lists to be certified and deposited for a certain time in the city clerk's office.

4. Before the said first day of February, the said city clerk shall give public notice of the deposit of the said lists, notifying thereby that the said lists so deposited shall be, during the said period, communicated to whomsoever shall apply for them, and that any elector desirous of having any name inserted on either of the said lists or erased therefrom, shall make application therefor, within the delay hereinafter mentioned.

Clerk to give notice that lists are deposited and that application may be made to correct them.

5. The board of revisors shall sit on the fourth day of March of each year in the city hall of the said City, in the chamber wherein are held the sittings of the council, at the hour specified in the public notice which shall be given by the city clerk. If the fourth day of March should be a non-judicial day, the first sitting shall be held on the first following judicial day.

Board of revisors to sit on the 4th of March.

6. No application to have a name added to or erased from

No application

for correction of lists to be received after a certain delay. the said lists shall be received in the said city clerk's office after four of the clock in the afternoon of the last juridical day of February.

What the application shall set forth, notice thereof to party interested.

7. Every such application shall set forth the grounds whereon it is founded, and if it is to have a name erased, it shall be signified to the person whose name is sought to be erased, at least two full days prior to the fourth day of March. The said service shall be made and proved by a bailiff of the superior court in the same manner as services of process in civil matters. If the person whose name is in question do not reside within the city limits, the said notice shall be deposited in the post office of the city of Quebec in a franked registered letter, to the address of the said person, three days at least before the said fourth day of March.

Board of Revisors.

8. The Mayor of the City of Quebec, the Recorder of the said City, the Judge of the Sessions of the peace in and for the said City, shall form a Board of Revisors to revise the said lists of voters, and the Mayor shall preside at the meetings of the said board ;

President of Board.

9. In case of the absence, for any cause whatever, of the chairman of the board, the members of the said board then present as aforesaid, may choose one of themselves to preside at the meeting in the absence of the chairman, and the member so chosen will be vested with all the rights conferred by this Act on the ordinary chairman of the board ;

Quorum.

10. Two of the members present at any meeting of the board may exercise all the powers and attributes conferred on the board by this or any other Act ;

Oath of office.

11. Before entering on their duties, the members of the said board shall make oath before a Justice of the Peace for the District of Quebec, impartially to discharge the duties of their office, and an entry of the said oath of office having been taken shall be made in the minutes of the meeting of the said board ; but each member shall take the said oath of office once only during the time he will act as member of the said board ;

33 V. C. 46. Adjournments.

12. If by some unforeseen cause or accident a sufficient number of the members of the said board are unable to be present on any one of the days fixed by this Act, the said board may adjourn to the following day, and notice of the adjournment shall be given to each member of the said board ;

34 V. C. 35. Parties in-

13. All persons having an interest in such addition to or erasure from such lists may be heard personally or by

attorney at law or an agent, but the latter shall require a written authorization. They may produce witnesses who will be sworn by the clerk and their names entered in the minutes of the proceedings.

Directed may be heard.

14. The board of revisors shall be invested with all the powers, authority and jurisdiction of the recorder's court of the said City, for compelling the summoning and appearance of witnesses, as well as their answering all legal questions put to them, and the maintenance of order during the time the board of revisors shall sit.

Powers of the board of revisors to examine witnesses and keep order.

15. After hearing the evidence adduced by either of the parties, the board of revisors will maintain or reject, to the best of its judgment, the application so made before it, and will order, as the case may be, the addition or erasure sought for.

Revisors shall maintain or reject the application.

16. The city clerk shall be the clerk of the said board of revisors. He shall keep the minutes of the proceedings and shall sign them as well as all subpoenas, orders and decisions made, given and pronounced by the said board.

City Clerk to be clerk of the revisors.

17. Four days at least immediately previous to the said fourth day of March, the said clerk shall give notice in two newspapers published in the said City, in the French and English languages, respectively, of the day, place and hour when the board of revisors will revise the said lists, appointing the order in which the said lists shall be revised.

Notice to be given previous to revision.

18. The revision of the said lists shall be completed on or before the first day of April of each year. After such revision they will be signed by the mayor and clerk of the said board and sealed with the Corporation seal, and all applications made as provided by the eighth section of this act not adjudicated upon or determined before the said first day of April, shall from and after that date be deemed and considered as never having been made.

Revision to be completed before 1st April; applications not decided before that day to be null.

19. The death of any person whose name has been entered in the said lists shall be proved by legal certificate of his death, or by the written deposition, sworn to before a Justice of the Peace of the District of Quebec, of two or more credible witnesses;

Proof of death of voter.

20. If any member of the Board of Revisors appointed as such by or in virtue of this Act, shall neglect or refuse to perform any of the duties required of him by this Act, he shall incur a penalty of eight hundred dollars.

Penalty on member refusing to act.

Penalty on
City Clerk for
refusal to act.

21. The city clerk shall be liable to a penalty of fifty dollars, and in default of payment of the same and of costs, to imprisonment of not more than one month for each time that he shall refuse or neglect to fulfil any one of the duties imposed upon him by the present act.

33, V. C. 46.
Penalty on
assessors for
refusal to act.

22. Every assessor shall incur a penalty of fifty dollars, and in default of payment of the sum and of costs, imprisonment for not more than one month each time that he shall refuse or neglect to fulfil any of the duties imposed on him by the present act. The penalties in the two preceding cases may be recovered before any justice of the peace.

CANDIDATES--NOMINATION AND REGISTRATION OF VOTES.

33, V. C. 46.
Revised lists
to whom sup-
plied.

14. 1. As soon as the lists of voters shall be revised, corrected, signed and sealed in conformity with the present act, they shall be again placed in the city hall, under the care of the city clerk, to remain in the archives in the office of the said city clerk who shall forthwith supply certified copies of the said lists, or of any of them, at the rate of ten cents per hundred words, for such copy or copies, when requested to supply one by any duly qualified voter.

Nomination of
candidates.

2. On the second Monday of April, one thousand eight hundred and seventy four, and of each alternate year, or on the next juridical day, if the second Monday is a legal holiday, the nomination of candidates for the office of alderman and councillors, shall take place at the city clerk's office, in the city hall, between nine of the clock in the morning and four of the clock in the afternoon.

Mode of design-
ating candi-
dates.

3. For the first election of alderman and councillors, under the present act, and for all those to take place thereunder in future, the candidates shall be named and designated in a requisition in writing, signed by two or more electors duly qualified under this act, and deposited in the office of the city clerk, on the second Monday of April.

If only one
candidate.

4. If there should be but one candidate on the first day of nomination he shall be *ipso facto* elected, and it shall be the duty of the city clerk to immediately proclaim the election of such candidate and to publish notice thereof in one English and in one French newspaper of the said City.

If several
candidates.

5. If there should be more than one candidate for any such office, the voting shall take place at the office of the city clerk, between the third Monday of April, and the following Saturday, both days included, between nine of the clock in

the morning and four of the clock in the afternoon, and it shall be the duty of the city clerk to announce the names of the candidates for each ward, by a notice posted on the door of his office at the city hall, and published in an English and in a French newspaper of the said City, from the day of such nomination until the first day of voting.

6. Every person whose name shall appear in the said copy of the said voters' list, shall be entitled to vote at the election of a person to be alderman or councillor for the ward for which such list shall have been made without taking any oath other than that indicated in schedule 5, annexed to this act, which oath the said city clerk, or his assistant, or any justice of the peace present at the said election, shall have power to administer.

Voters on list need no other oath than that of schedule 5.

7. Any duly qualified elector shall have the privilege of voting in writing, by drawing up a declaration which he shall sign before the sheriff, prothonotary, judge of the sessions, recorder, clerk of the crown or clerk of the peace of the said City of Quebec, who knows him, in which he shall state for which candidate he votes, taking before such public officer the affidavit indicated in schedule 5, annexed to this act, (omitting in the said affidavit the words; "which is now shown to me"); which said declaration and affidavit shall be delivered to the clerk of the said City within the fifteen days preceding the closing of the poll, during the said election the said city clerk shall file the same among the archives of his office, and shall register the said vote in the poll book, and such vote shall have the same effect for the purpose of this act, as if it had been registered in the presence of the voter.

Voting in writing.

If the person who desires to vote by declaration or affidavit as mentioned in the preceding subsection is unknown to any one of the above mentioned officers before whom he has appeared, he may be identified by two persons, personally known to the said officer, and they shall sign the said declaration together with the said officer.

34, v. c. 35. If person desiring to vote in writing is unknown to officer.

8. Each and every candidate shall have the right of being present in the office of the said city clerk during the whole or any part of the said election, either in person or by proxy, and shall have the right to satisfy himself by inspection that the votes have been correctly entered, and such candidate or his proxy shall have the right of protesting against all errors, frauds, irregularities, or false entry or entries which may be made before the said city clerk.

Candidates may be present and protest.

9. The city clerk shall prepare, before the first day of April immediately preceding such election, poll books, to wit: a

Poll-books.

book for each ward of the said City in which shall be entered, under distinct headings, under the inspection of the city clerk or his assistant, during the voting, the name of each elector and the name of the candidate for whom such elector may vote.

How made.

10. There shall be in the said books distinct and separate columns, at the head of which shall be written the names of the candidates for the office of aldermen and councillors for whom the electors may vote, and so soon as each elector shall have voted, his vote shall be registered by the figure 1, placed in the column opposite to the voter's name and in the column at the head of which appears the name of the candidate for whom such elector shall have voted.

Oath administered.

11. On the demand of any candidate or of his duly authorized agent, or of any qualified elector for such ward or when the city clerk or his assistant or any justice of the peace, may judge it fit and proper, the said city clerk or his assistant, or any such justice of the peace, shall and may administer to any voter the oath contained in the herein above mentioned schedule 5.

Refusal to take the oath.

12. If the voter refuses to take the oath, the words "refused to swear," shall be written opposite to his name, and he shall be disqualified thereby from voting. If the voter consent to take the oath, the word "sworn," shall be written opposite to his name and his vote shall be registered.

34, V. C. 35. Arrest, &c., of persons illegally voting, and penalty, &c.

13. Any person, who, at any election of an alderman, or councillor or councillors for the said City, or for any ward thereof, shall unlawfully attempt to vote under a false name or under the name of another, may, and shall be liable to be arrested on view by any justice of the peace for the said City of Quebec, or by any peace officer or constable present at any such election or by the person presiding at the said election or by warrant of any justice of the peace, and so arrested to be committed to safe custody, or confined in the common gaol of the district of Quebec, till the close or termination of the said election, and till good and sufficient security may be taken from the parties so arrested, that they shall duly appear and answer to any charge that may be made against them as aforesaid; and each and every such person, on conviction of the said offence, shall forfeit and pay a fine or sum of money not exceeding one hundred dollars current money of this province, and in default of immediate payment shall be liable to an imprisonment not exceeding three months in the common gaol or the house of correction of the said district, for each and every such offence, unless such fine shall be sooner paid.

14. The city clerk, or his assistant shall have the power of ^{Clerks.} naming one or several clerks to enter in the poll books the names of voters, and to make all the other entries required by this act, and such clerk or clerks shall take before the city clerk or his assistant the oath contained in schedule B annexed to this act.

15. Each elector may vote at the election of an alderman ^{Electors may} or a councillor for each ward in which his name is legally ^{vote in more} inserted in the respective list of voters for such ward. ^{than one ward.}

16. On or before the first Monday of May following the ^{City Clerk's} said election, the said city clerk or his assistant shall draw ^{return.} up a report establishing in writing, at full length, the number of votes thus registered for each candidate, and he shall annex to the said report an affidavit sworn to before any justice of the peace, (and which affidavit such justice of the peace is by this act authorized to receive), stating that the said poll books have been faithfully and carefully kept according to law. The report shall be made to the Recorder, ^{Proclamation} whose duty it shall be on the first Monday of May following ^{by the} the said election at the office of the city clerk, in the city ^{Recorder.} hall, to declare elected to the charge of aldermen or councillors all those who shall have obtained the highest number of votes for said charge of alderman or councillor, in each ward; and in case of the votes being equally divided for the same charge of alderman or councillor, the city clerk shall determine and decide between those who have the same number of votes who shall, thereupon, be held and considered to have been duly elected to the said charge, and so soon as the aldermen and councillors shall have been declared elected as aforesaid, it shall be their duty forthwith to elect a mayor for the said City in the manner provided by this act. ^{Cases of sick-} In case of sickness, death, absence or incapacity for duty of ^{ness or in-} the city clerk, it shall be the duty of the council to name an ^{capacity of the} assistant to act in lieu and place of the said city clerk and ^{City Clerk} with all his powers; and if such council refuse or neglect to ^{provided for.} make such appointment, then any two qualified municipal electors may apply to the Recorder of the City to name a person to act as city clerk on said occasion.

POWERS OF CITY CLERK PRESIDING AT ELECTIONS.

15. The city clerk or his assistant who presides at the nomination or voting for candidates shall have full power and authority to maintain order and preserve the peace, and if any offence should be committed in his sight, or be proved by information upon oath of one credible witness sworn before and by him, he shall have full power to cause to be ^{Maintaining} ^{peace and} ^{order.}

33, Vic. C. 46. Imprisoning offenders. arrested on his verbal order, and to imprison upon his warrant for twenty-four hours, in the common gaol of the District of Quebec, any person who shall not maintain order, or preserve the peace, or who shall be armed with any club, stick, bludgeon or other offensive weapon, or who shall carry any flag, color, banner, ribbon or cockade or other badge, or distinctive mark whatever, to indicate which candidate he supports, or who shall disturb or threaten to disturb the peace or who shall wilfully hinder or attempt to hinder any elector from exercising his rights as such, or who shall interrupt in any manner the proceedings of any such nomination or election.

Orders to be obeyed, by constable, &c. 2. All officers of Militia, constable and police officers or gaolers of the District of Quebec, shall be bound to obey the said verbal order and warrant, under a penalty not exceeding one hundred dollars;

Imprisonment not to discharge fine. 3. The imprisonment of twenty-four hours aforesaid shall not exempt the person or persons so imprisoned from any of the pains and penalties to which he or they would otherwise be liable for the offence committed;

Carrying flags, &c. 4. Any person who shall, at such nomination or election, carry any flag, banner, color, ribbon, cockade, or other badge indicating the party to which he belongs, or who shall use any violence, menace or malicious practice, or disturb the nomination or election, or shall carry any stick, club, or other offensive weapon, shall be liable to a penalty for every such offence, of one hundred dollars, or three months' imprisonment, or to both, at the discretion of the Court.

BRIBERY CLAUSES.

What shall be deemed bribery. 16. No elector shall ask or receive any sum of money, or other recompense, by way of gift or loan, or under any other pretext, or allow or consent to allow his assessments or taxes to be paid for him, or make any contract or agreement for any sum of money, office, gift or employment or other recompense whatever, to induce him to give his vote to or in favor of, or withhold it from any candidate; and no person shall, either personally or by his agent, as and by way of gift, recompense, promise, contract, or guarantee of any gift or recompense, or by means of payment of assessment or taxes, bribe or attempt to bribe, or induce any elector to give his vote to or in favor of any candidate; and any person offending against any of the provisions of this section shall be liable, on conviction, to a penalty of two hundred dollars for such offence, to be re-

Penalty.

covered with costs, by any one who shall sue for the same before the Recorder's Court of the said City :

2. The election of any mayor, alderman or councillor, shall be declared null and void by any competent Court before which it shall be proved that such mayor, alderman or councillor has given any sum of money, office, place, employment, gratuity, reward or any bond, bill or note, or conveyance of land, or made any promise to give or do any one or more of such acts or things, or to have threatened any elector that he would cause him to lose any office, salary, income or advantage, either by himself or by his authorized agent for that purpose, with the intent to corrupt or bribe any elector to vote for him as candidate for the office of mayor, alderman or councillor, or to keep back any elector from voting for any other candidate for the same, or to open and support, or cause to be opened and supported, at his costs and charges, any house of public entertainment for the accomodation of the electors. ^{Election void for bribery.}

MEETINGS OF THE COUNCIL.

17. The city council may meet at periods to be fixed by a by-law, and may adjourn such meetings by giving notice of such adjournment to the members thereof who may not be present at the time of the adjournment : ^{Meetings and adjournments.}

2. The mayor shall preside at all sittings of the council, and do and perform the several duties and be invested with the powers and privileges imposed and conferred upon the mayor of the City by this Act until the election of his successor ; ^{Who to preside.}

3. One third of the whole of the members of the city council shall constitute a quorum, except as otherwise herein provided ; ^{Quorum.}

4. If anything is required to be done by this Act on a day certain, it may be done as soon thereafter as possible, provided it has not been done owing to the want of a quorum ; ^{When any thing may be done.}

5. The absolute, majority of the members present, not including the mayor, acting mayor or chairman presiding at the council, shall determine all questions and matters, except the passing of by-laws submitted to the council ; the council shall not in any case, vote by ballot ; ^{Majority ; not ballot.}

6. There shall be two-thirds of the whole council present at the meetings for the passing of a by-law ; ^{Quorum for By-laws-}

7. The Mayor shall preside at the meetings of the council, ^{Mayor's vote,}

and in case of an equality of votes, shall have a casting vote, and in any other case he shall have no vote ;

Rules.

8. The council may make rules and regulations for its internal government, and for the maintenance of order during its sittings ;

Order.

9. The mayor shall maintain order and decorum during the sittings of the council ; he may cause to be arrested by any police officer or constable or other person, any one who may disturb the order of the council during any sitting thereof, and have him, if he see fit, sent to the nearest police station, to be thence brought before the Recorder's Court, to be dealt with according to law :

Punishment for disturbing proceedings.

10. Any person who in any manner whatsoever disturbs the order or proceedings of the council, or refuses to obey the legal orders of the mayor or person presiding at any meeting of the council as aforesaid, or who violates any enactment of a by-law of the council made in virtue of the eighth paragraph of this section, shall incur, on conviction for every offence, a fine not exceeding forty dollars, to be sued for and levied according to law ;

Absence of Mayor, &c.

11. If the mayor or acting mayor should be absent from any meeting, the council shall choose one of its members to preside and the city clerk shall preside until such choice is made ;

Compelling attendance.

12. The council may, by by-law, compel its members to attend meetings of the council and discharge their duties ;

Meetings public.

13. The meetings of the council shall be public.

OFFICERS OF THE COUNCIL.

Officers, appointment, removal, salaries, &c.

18. The council shall appoint a city clerk, a treasurer, clerk of markets, a city surveyor, one or more road, street, bridge and chimney inspectors, one or more collectors and pound keepers, and such other officers as shall be deemed necessary ; and they may remove or dismiss any officer, and appoint another in his place, and may exact security from them, and accord salaries to them, which salaries may be increased or reduced, from time to time, in the discretion of the council ; and no reduction under this section shall give any claim for injury or damages as against the corporation, to any person whose salary shall have been so dealt with :

No pension allowed.

2. The city council shall not grant any pension or any re-

tiring allowance to any of its officers or servants, or any relief or assistance or other compensation whatsoever in the nature of an annual or periodical payment, for damage or injuries received in its service, or for any reason or cause whatsoever ;

3. If, by the act or neglect of any officer of the council, or of the said corporation, a suit or plaint brought by the said corporation is dismissed, the court, in adjudicating thereon, may, by its judgment dismissing the said suit or plaint, condemn the said officer to pay the amount claimed in the said suit, with interest and costs ; or in case of a plaint, the costs thereof, and the said amount and interest thereon, together with the costs thereof, or the costs of the plaint, may be levied in the ordinary course of law against the goods and chattles of said officer, without any other formality or proceeding whatsoever being complied with or taken ;

Responsibility
of officers for
neglect, &c.

4. If any officer is absent, or incapable of acting, the mayor may appoint an assistant during such absence, and such assistant shall, during the period for which he shall be so appointed, exercise all the powers and perform the duties of the principal so absent ;

Assistants to
officers.

5. The city clerk shall keep minutes of all the deliberations or proceedings of the city council : the mayor, or in his absence the acting mayor, or the member appointed to preside over the council, shall sign such minutes, and every elector shall have access thereto on payment of twenty cents ;

Minutes of
proceedings.

6. All copies of minutes, and generally all certificates, documents and papers, signed by the mayor, and countersigned by the city clerk, under the seal of the City, shall be received in all courts of justice, as proof of the contents of the original thereof : and all copies of documents, certified by the city clerk, under the seal of the City, shall be authentic, and shall be evidence, and held as such, in all courts of justice, unless it be specially pleaded that such signatures and seal are forged ;

Proof of minutes.

7. The city treasurer and city inspector or surveyor shall have the same powers and duties as the treasurer of roads and inspector of highways, roads and bridges, formerly had, in virtue of the thirty-sixth George the Third, intituled : *An Act to make, repair and change the highways and bridges in this Province, and for other purposes* ;

Powers as to
Roads, &c.

8. The city treasurer shall keep true and correct accounts of all sums of money by him received or paid, indicating the

Treasurer to
keep accounts ;

who may inspect them.	several purposes for which said sums of money shall have been received or paid; the mayor and the members of the council shall have the right of examining his accounts at all reasonable times, and such accounts, with all vouchers and papers relating thereto, shall be made up and closed on the thirtieth day of April, the thirty-first day of July, the thirty-first day of October, and the last day of February, in each year, and shall be immediately after each of the said days, submitted to the examination of the auditors and members of the council, appointed for this purpose, by the mayor; after the said accounts shall have been so examined and audited for the quarter ending on the thirtieth day of April, in each year, the said treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, in one English and one french newspaper published in the said city, after having delivered a certified copy to the city council, and a copy thereof shall be open to the inspection of all the rate-payers of the said City, at the city treasurer's office, at all reasonable hours, free of charge, who shall also be entitled to a copy thereof, on payment of a reasonable price therefor;
Period of making up.	
When audited, abstract to be made and published.	
Obligations of city officers.	9. All officers appointed by the council, shall be obliged to render to the said council a true account, in writing of all matters committed to their charge, and also of all moneys which they shall respectively receive; if they shall not render such account, or deliver up to the said council the papers, books, moneys, documents or other effects belonging to the said council, the said corporation shall make complaint before the said Recorder's Court, which shall order that a warrant do issue from the said court, to arrest and bring this officer before it, and whether such officer shall or shall not appear or shall or shall not be found, the said court shall hear and determine the said complaint in a summary manner, and if it shall appear to the said court that the said officer owes money to the said corporation, such court shall issue a writ to cause such moneys to be levied by distress and sale of the goods and chattels of the said offender, and if sufficient goods and chattels shall not be found to satisfy the said moneys and the costs of distress or if it shall appear to the said court that such officer has refused, or wilfully neglected to deliver such accounts or vouchers, books, papers, documents or others effects conided to him, or which were in his custody, or has omitted or refused to deliver them to the said corporation, the said court shall imprison the offender in the common gaol of the district of Quebec, where such officer shall remain, without privilege of bail, until he shall have paid such moneys as aforesaid, or shall have delivered a true account, and shall have delivered up such books, documents, papers, effects
Remedy against officers in default.	
Imprisonment of offender.	

and vouchers as aforesaid, or shall have given satisfaction to the said council in relation thereto; but no such officer shall be detained in prison for want of sufficient means, for a longer period than three calendar months;

11. The Mayor may, whenever he shall consider it necessary, require the Recorder of the said City to institute an inquiry into the conduct of any officer or servant of the said Corporation, in his capacity as such, and the said Recorder shall for that purpose be vested with all the powers conferred upon him by section twenty-seven of this Act, in the case of an inquiry ordered by the Council;

12. The Mayor may suspend such officer or servant from the performance of his duties, and such suspension may continue until the Council of the said City shall thereupon decide.

13. Nothing in the present Act contained shall prevent or restrict any juridical remedy against any officer offending as aforesaid, in the present section or against any surety for any such officer.

ASSESSMENTS FOR MUNICIPAL PURPOSES.

ASSESSORS—THEIR APPOINTMENT AND DUTIES.

19. Three assessors shall be appointed annually in the month of February by a special board for the purpose to be called the Assessment Board, and which shall be composed of the mayor, the recorder and the judge of the sessions of the peace for the City of Quebec:

2. No person shall be eligible as assessor unless he is seized or possessed to his own use of real or personal estate or both within the City, after payment or deduction of his just debts, of the value of one thousand dollars;

3. Any person who shall refuse to accept the office of assessor, shall incur a penalty of two hundred dollars;

4. The powers, authority and duties which were vested in the assessors by the thirty-sixth George the Third intituled: *An Act for making, repairing and altering the highways and bridges within this Province and for other purposes*, and also by the ninth George the Fourth, chapter sixteen; and the thirty-

ninth George the Third, chapter five, are and shall continue to be vested in and imposed on the said new assessors, in so far as the same shall not be modified by the by-laws of the said council ;

25, S. 34 Vic.
C. 35.
Exemption of
church pro-
perty &c., from
taxation.

But such new assessors shall not have power to assess or tax churches, chapel and other edifices used for the purposes of religious worship and cemeteries."

Remuneration.

5. The remuneration of the assessors shall be fixed from time to time by the Assessment Board, and any vacancies among the assessors shall be filled by the said board ;

Valuation of
property.

6. The assessors shall each year value all properties within the limits of the City of Quebec and make returns also of the names of all persons liable to pay any tax, duty or impost, specifying the amount payable by every such person ;

Basis of valua-
tion.

7. The value of immovable property shall be determined by the *bonâ fide* rent thereof; if the said rent be unjust, unreasonable and disproportioned to the value of such property, the assessment shall be based on the interest of the actual or real value thereof; if the property shall be occupied or in the possession of the proprietor thereof the assessors shall determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth or ought to produce ; vacant lots shall be assessed upon the interest of the actual value thereof ;

Vacant lots.

Oath of office.

8. The assessors shall not act as such, until they shall have taken before the mayor, or before any member of the said Board the oath of allegiance and of qualification mentioned in the Schedule D, appended and forming part of this Act ;

When they
may Act.

9. The assessors shall have the power to assess during the whole year of their term of office ;

Assessment
board to fix
period for
return, &c.

10. The assessment board shall regulate and determine the time when the assessors of the said City shall annually begin 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 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 have been made ;

11. The said assessors may exercise, either collectively or ^{Powers of as-} separately each and every the powers which are conferred ^{sessors.} upon them by this act, or by any other Act, or by the by-laws of the Council now in force, or by those to be hereafter made by the said Board;

12. Two members of the said board, present at any meet- ^{Quorum of} ing of the said board, shall be competent to exercise all the ^{board.} powers conferred on the said board by this Act; "

ASSESSMENT ROLLS.

20. In the next assessment rolls made up after the pas- ^{Roll to have a} sing of this Act, and in every succeeding assessment roll, ^{column for in-} there shall be a column headed, " Interest rates under the ^{terest rates un-} Act of 1865," and the city treasurer shall deposit any moneys ^{der this Act.} received by him from such rates to the credit of an account ^{How money} to be kept in the name of the said Corporation in one of the ^{collected for} chartered Banks of the Province, and the moneys so collected, ^{such rates shall} received or deposited, shall be applicable only to the pay- ^{be dealt with.} ment of interest to become due on the Bonds mentioned in Schedule L to this Act, as it becomes due, and shall be applied in no other manner whatever; and any person applying such money or knowingly permitting them to be applied for any other purpose than is provided for in this section, shall be civilly liable for the amount, and shall be further held guilty of a misdemeanor, and be liable to be punished ^{Penalty for} by fine in any sum not being less than double nor more ^{misapplication.} than four-fold the amount misapplied, or by imprisonment for any term not being less than three calendar months, nor more than two years, or by both, and any officer of the City or member of the council, authorizing any such application, or assenting thereto, shall in like manner and to the like extent, be civilly and criminally responsible, but such deposit shall be a discharge to the City for the coupons in respect of which the deposit shall be so made.

REVISION OF ASSESSMENT ROLLS.

21. So soon as the assessors shall have deposited, at the ^{Notice of revi-} period fixed by the assessment board, the assessment book ^{sion.} for any ward in the treasurer's office, the treasurer shall advertise such deposit for three weeks in a French newspaper and in an English newspaper, published in the said City;

Complains of persons aggrieved. during the three weeks from the date of the first advertisement of such deposit, all persons considering themselves aggrieved by any entry made in such book, shall present a petition or complaint in writing to the Recorder's Court of the City of Quebec which said complaint shall be sworn to, before a Justice of the Peace or a member of the City Council, or before the clerk of the said Recorder's Court and shall be filed during the said period in the office of the clerk of the court, who shall give sufficient notice by publication in the said newspapers of the days and hours when the court will hear the parties complaining and determine the merits of such complaints.

Recorder to decide.

Delays allowed to be final. 2. All the delays mentioned shall be final, so that any complainant who shall neglect to make his complaint or proof within the time specified, shall be foreclosed from so doing, and be held responsible for and be compelled to pay the amount for which he may be assessed, according to the said assessment books, together with all sums charged against him for taxes, rates, imposts, duties or other municipal charges ;

Corrections of assessment books.

How made.

3. In any case where, after the making up of an assessment book, it shall become necessary to correct or amend the errors or omissions which may be found therein ; or whenever persons not subject to assessment, or to any rate or tax whatsoever, at the time of the making up of the said assessment book, shall, thereafter, and within any period of the fiscal year, become subject to the payment of such assessment, rate or tax ; such correction or amendment or addition shall be made in such assessment book, on application to that effect addressed by any assessor to the said Recorder's Court which, on satisfactory proof of the said demand, shall order that the correction, amendment or addition demanded be made in the said book ; unless sufficient cause to the contrary shall be shewn by the party interested.

Notice to parties affected.

4. The said judgment shall be signified to the person interested by a bailiff of the said court ; and if, within the eight days following the said signification, the person interested shall not have filed in the office of the clerk of the said Court, the objections which he may have to such correction, amendment or addition, he shall be foreclosed from the right of so doing, and bound to pay each and every sum, assessment, rate or tax imposed upon him, by virtue of such

correction, amendment or addition; And if the objections are produced, within the said delay, the said Court shall proceed thereon, as provided in the first paragraph of this section, otherwise, the said Court, shall order the correction, amendment or addition applied for, to be made.

ORDINARY ASSESSMENTS.

22. The council may, at any meeting thereof composed of not less than two-thirds of the members thereof, make for the following purposes;

2. For the raising, assessing and applying such moneys, 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 therefore in respect of such property, provided that such assessment may, in any one year, amount to, but shall not exceed (excepting as hereafter provided) the sum of ten cents in the dollar on the assessed yearly value of the property liable to such assessment;

“ 3. Impose and levy for drainage upon immovable property, an assessment which shall not exceed two and a half cents in the dollar of the annual value assessed;

But the Treasurer of the city shall, without other authority than this Act, impose and levy such tax in the manner prescribed for the imposing and levying of other taxes or assessments upon real property, and shall continue to be levied in the same way and at the same time in each succeeding year until repealed by the said Council;

The said drainage tax shall hereafter be imposed by being entered in a separate column in the assessment books by the assessors, in the like manner and at the same time as the other assessments on real property, and be levied by the same process and in the same way, and without any formality whatsoever.

All persons shall be reputed wholesale dealers who habitually sell to other dealers; wholesale and retail dealers, persons who habitually sell to dealers and non-dealers; retail dealers, those who habitually sell to non-dealers.

Hearing objections.

Council to make By-laws.

Raising money by assessment.

Rate limited.

Drainage tax.

31, V. C. 33, S. 3. Definition of “wholesale,” “Wholesale and retail.”

Duties on persons exercising certain callings.

Certain callings enumerated.

21 V. C. 53, s. 7.

4. 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, pedlers 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 and 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 and wholesale and 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 and 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 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 and 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 manufacturers, 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 and pearl ashes or beef, pork, flour, butter, or any other produce, articles or effect whatsoever in the said city ; and generally on all trades, manufactories, occupations, business, arts, profession 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 twelve miles distant from the same.

On all professions, trades and callings generally.

And the premises where they are carried on.

Ferry-men.

5. In the case of rate or rates imposed on the partner of a firm or company of merchants as aforesaid, such rates may be claimed and recovered in the manner prescribed for the recovery of assessments, taxes or rates imposed by the said council, either against such partner or against the firm or company of which he is partner ;

Assessment on partners.

6. In all cases where the said council is authorized by law to impose a rate or rates on the agency or agent of any person, firm or company whatsoever, incorporated or not, carrying on or exercising any trade or business whatsoever or any banking business or commercial business, in the said city, such rate or rates may be claimed and recovered in the manner above set forth against the agency or agent of such person, firm or company in the said city ;

Agents carrying on business.

7. Every rate imposed by virtue of the foregoing provisions shall be payable annually, and at the period fixed by such by-law ;

Rate payable yearly.

8. Every special tax imposed in virtue of the foregoing provisions may, in the discretion of the said council, be a fixed annual rate on all or any of the several classes of persons subject to such tax, and on the premises by them occupied for the purpose of their trade, business or manufacture, or a proportional tax to be determined by the said council according to the assessed annual value of the real estate or any part thereof, occupied as aforesaid or according to the annual value of lease of such real estate or any part thereof, occupied as aforesaid, by the persons liable to such

Mode of assessing such rates.

tax, or by both modes at once, that is to say, a fixed tax on the persons liable to such tax, and a proportional tax on the real estate occupied as aforesaid; or only a fixed tax on such person, according as the said council may in each case consider it to be most advantageous to the said city;

Words "Agent" and "agency" interpreted. 9. And the words "agent" or "agency," in the foregoing subsections, signify any and every agent or any and every agency of one and the same company or partnership having several distinct and separate agents or agencies in the said city, and the special rate imposed on the different trades, businesses or occupations hereinabove specified, shall be payable for such and every establishment of such trade, business or occupation in the said city, when it shall be carried on by the same person, firm or persons or company in a distinct and separate house or place of business.

Capitation tax. 10. The capitation tax, payable by all persons of the male sex, above the age of twenty-one years, and under the age of sixty years, and not subject to any other tax or rate whatsoever, shall in future be two dollars per annum.

EXEMPTION FROM CAPITATION TAX.

Persons exempt from capitation. 23. The following persons shall be exempt from the said capitation: All persons above the age of sixty years; the officers and soldiers of Her Majesty or of the Militia in active service, or any person domiciled in the said city during less than six months; apprentices *bonâ fide*; and any person who shall serve in any fire company established by the corporation or under its control, so long as he shall belong to such company.

SPECIAL ASSESSMENTS AND THEIR ENFORCEMENT.

Special rate for interest on bonded debt. Proviso. 24. For the payment of the interest due and to become due on its Bonded debt as mentioned in the Schedule L of this Act, there shall be levied and raised by the Corporation, from time to time, yearly or half-yearly, or oftener if they think fit, upon the whole then assessable property of the said city, a special rate or rates of so many cents on the dollar as shall be required, until the said interest shall be fully paid and discharged; Provided always, that if the rate or rates to be levied from time to time shall yield more than the rate of interest from time to time payable, the surplus shall be carried to a special account to be called the "Interest

Account," and be applied to the payment of the next half-year's interest, and all the provisions of section shall be applicable to such surplus:

2. To provide for the due and punctual payment of the interest of the bonds which may have been issued by the corporation, in the said Schedule L mentioned—

Provisions for punctual payment of interest.

It shall be incumbent on the corporation and their Treasurer for the time being, to have at least fourteen days before the day of payment at the credit of the account mentioned in the preceding subsection, a sum sufficient to pay the half-yearly interest next becoming payable in the Province after the said respective dates; and they shall also, at least fourteen days before the coupons payable in Great Britain become due, have a sum sufficient to pay the said coupons at the bank or place at which the same are payable and the corporation shall arrange with the bank to give notice by advertisement of the half-yearly days on which the interest payable in Great Britain will be paid;

Corporation to have a sum sufficient ready before hand.

3. And whereas it is desirable that proper facilities should be given to the creditors under all circumstances, to enforce payment of the interest of their debts against the said City of Quebec: therefore the holder of any bond, debenture or coupon of the said city, whether issued for the construction or completion of the water works, or any other purposes, mentioned in the Schedule L of this Act may, in default of payment of the interest thereon, adopt any or all of the following modes of remedy, to wit: Such creditor may either proceed to judgment and execution in the ordinary manner, or he may apply by a summary petition after one clear day's notice to the Superior Court, or to any judge in vacation, setting forth that he is a creditor, and in what amount, and praying that a special rate be levied for the payment of his claim, and thereupon it shall be the duty of the Court or Judge, unless special cause on oath that the debt is not due, be assigned to the satisfaction of the Court or Judge, forthwith to grant an order directing the Sheriff of the District of Quebec to collect the "special interest rate" hereinbefore mentioned and directing him, if need be, to impose and levy another and further rate upon the real estate situated in the said City of Quebec, sufficient to cover such demand, with ten per centum over and above the same; and it shall not be requisite that any bonds in respect of which such order is required, or on which any action at law or other proceeding for the recovery of interest is brought shall be produced by the holder, provided the coupon thereof be produced, and the production of such coupons shall be *prima facie* evidence that the holder thereof is the owner of the

Provisions for enforcing payment of interest.

Creditor may apply to have a special rate levied by the Sheriff.

Evidence on which application may be granted.

bond to which it was attached and entitled to recover thereon, and a *bona fide* payment to the holder of such coupon shall discharge the said Corporation from all liability thereon;

As to bonds
dated before
this Act,

4. All bonds purporting to be dated and to have been issued prior to the passing of this Act, and all coupons purporting to have been attached thereto shall, without any other special proof to that effect, be presumed to be part of and to be included among the bonds referred to in Schedule L;

Proofs,

5. And until proof to the contrary is given, the production of any such Bond or coupon shall be *prima facie* evidence that the same is included in and forms part of those enumerated in Schedule L, saving to the corporation and to all other parties the right to contest the fact;

Sheriff's duty
on order to levy
special rate.

6. It shall be the duty of the sheriff when he shall receive a writ of execution against the said city (with an endorsement thereon by the plaintiff or his Attorney requiring him to impose a rate under this Act) or upon delivery to such sheriff of an order of the court or judge under the subsection three of this section,—and such sheriff is hereby empowered—to take communication or possession of all such books, papers or documents of the corporation as may be necessary, and the officers of the corporation shall be bound to afford him free access to, and, if he shall require it, possession of all such books, documents and papers, and the said sheriff shall forthwith prepare an assessment roll in such form as he may see fit, shewing the rates and assessments necessary, to make up the amount required to be levied, with ten per centum over and above the same, to meet expenses and interest, and such rates and assessments shall be payable by the persons and shall be chargeable upon the property in respect of which they are imposed, and no such assessment roll shall be invalid for any informality or inequality of rate therein, or for any other matter whatever, provided that any party aggrieved shall have the right to recover from the corporation any rate or excess of rate over and above what by a just and fair apportionment he ought to have been assessed at;

Penalty for
obstructing
Sheriff.

7. Any officer or member of the Council, interfering with or refusing to afford to any sheriff, receiver, assessors or collectors, or other person charged with the execution of any duty under this Act, any books, papers, or information necessary to enable them to perform the duties cast upon them by this Act, shall be guilty of a misdemeanor, and be

liable to be punished by imprisonment, for any term not being less than three calendar months, nor more than two years ;

8. In case for any reason the sheriff shall not be able to obtain within one day after demand of the same communication or possession of the necessary books, documents or papers, to enable him to make such assessment roll and to impose such rate, he shall forthwith impose from such data as may be within his power and by appointment or otherwise, a rate, and levy the required amount upon the real property situated in the said city ;

9. If from any cause the sheriff shall be unable within two months from the imposing of such rate, to levy the whole of the same, or such sum as may be necessary to satisfy the claim, or if the same prove insufficient, the sheriff shall in like manner and from time to time, as often as may be necessary, proceed to strike a new rate and make a new levy, until the claim of such creditor be paid in full out of the proceeds of the same ;

10. Upon the completion of the Assessment Roll under either of the preceding subsections, the sheriff shall give public notice (according to form G in the Schedule hereunto annexed) in at least one newspaper published in the English language, and one newspaper published in the French language, that the said Assessment Roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or rate are required to pay the amount thereof to him, at his office, within ten days from the date of the last insertion of the said notice in the said newspapers, provided that the said notice shall have at least four insertions in each of the said newspapers ;

11. If at the expiration of the said ten days any assessment, tax or rate remain unpaid, the said Sheriff shall leave or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or rate, and shall at the same time, in and by a notice annexed to such statement (according to form H, in the Schedule hereunto annexed), demand payment of the assessment, taxes or rate therein mentioned, together with the costs of the service of such notice ;

12. The provisions of the next preceding subsection shall not apply to persons residing beyond the limits of the said city but such persons shall be bound to pay their assess-

ments, taxes or rates within ten days after the public notice mentioned in the tenth subsection of this section, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business :

Levy on persons falling to pay.

Proviso.

Notice before selling goods.

Application of proceeds of sale.

13. If any person neglects to pay the amount of assessments, taxes or duties imposed upon him, for the space of fifteen days, after such demand made as aforesaid, the Sheriff shall levy the same, with costs, without any warrant being necessary, by the seizure and sale of the goods and chattels in his possession, subject to the present exemptions by law, wherever the same can be found within his district ; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or rates and costs, out of the proceeds thereof ; provided always that any party having any hypothec, lien or privilege upon property real or personal, out of the proceeds of which the said corporation shall be paid any assessment, and which shall have accrued in respect of other property, such party shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said corporation at the time of such payment in respect of such other property as to such assessment ; but the Recorder's Court shall have power to amend or revise such assessment, tax or duty in each individual case, provided it shall be required in writing so to do within ten days after such demand has been made by the sheriff, and not otherwise ;

14. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Sheriff shall give public notice (Form I) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place in his office at least forty-eight hours previous to such sale.

15. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or rates levied for and the costs attending the seizure and sale, the surplus shall be returned to the debtor, or to the person in whose possession such goods and chattels were when the seizure was made, and no deduction tax or duty whatever shall be retained by the Sheriff out of the amount payable to the creditor for his debt, interest and costs ; which shall be forthwith paid over by the Sheriff to the creditor, and as to any surplus, the Sheriff shall retain the same for eight days after the sale, during which time oppositions may be filed,

and if oppositions be filed, the same shall be disposed of in the usual manner; if any balance remain in the Sheriff's hands at the end of one year from the disposal of the oppositions or the date of the sale, he shall turn it over to the treasurer of the city for the general purposes of the corporation;

16. It shall be competent for any person or persons who may be creditors to the extent of twenty-five thousand dollars or upwards, in respect of interest overdue, in addition to any other remedy which under this or by any other Act or law he might exercise to apply by summary petition, after ten days' notice, to the Superior Court or to any judge in vacation in the like form and conditions provided by the third subsection of the present section of this Act, for the appointment of a receiver, and such receiver shall have full power and authority as such in his own name to sue for, collect and receive from the Sheriff or from the corporation, or any officer thereof, and from all persons liable to pay any rates or taxes, all moneys due by them or in their hands, to an amount sufficient to pay the sum due, or to become due to the persons seeking his appointment; and it shall be competent for the court or judge, from time to time, to confer on such receiver, such other and further powers as may be needful for the fulfilment of his duties, and to enable him to receive, recover and regularly pay over the moneys due to the parties on whose behalf he is named, and also to fix what remuneration shall be paid to him out of the funds of the city;

17. Such receiver shall give security to the satisfaction of the judge or court, to whose orders he shall be in all respects subject; and after his appointment and notice thereof given in at least one newspaper published in French and one in English, no payment of any rate, assessment or sum of money, shall be valid, unless made to such receiver, or to the Sheriff in his behalf; and payment to such receiver or sheriff, shall *pro tanto* discharge the liability of the corporation;

18. The appointment of a receiver may take place before any of the proceedings contemplated by the third and following subsections of the present section of this Act, are taken by any creditor or pending or subsequent to such proceedings, and the sheriff shall be bound to recognize such receiver as the representative of the creditor on whose behalf he is named; and on the request of the receiver to enforce and put in execution any or all the powers for assessing, or

Balance in Sheriff's hands.

Creditors for \$25,000 or upwards of interest may have a receiver appointed.

Powers of Receiver.

To give security.

Payments to him or to Sheriff.

Receiver may require Sheriff to levy special rates.

for the collection of rates or otherwise conferred on the sheriff by virtue of this Act, in the interest and for the benefit of creditors ;

When receiver shall be discharged 19. After the debts due to the creditor at whose instance a receiver may have been named shall have been paid in full, such receiver shall be discharged, and shall be accountable as an officer of the court by which or by a judge of which he was named ;

Provisions to apply to persons advancing money to pay interest. 20. The provisions of this section respecting special assessments, and the remedies which may be taken, shall apply and may be enforced by any person who may have advanced, or may hereafter advance money to meet the interest heretofore due, or hereafter to become due, by the corporation on any of the bonds mentioned in schedule L.

COLLECTION OF ASSESSMENTS.

Certain provisions to apply to collection of ordinary rates. 25. The provisions contained in the next preceding section of this Act, as respects the collection of special rates and assessments, shall apply to the collection by the corporation of its ordinary rates and assessments annually imposed, except that all the powers thereby given to, and duties imposed on, the Sheriff, shall and may be exercised and performed by the City Treasurer, or by any officer or bailiff of the Recorder's Court authorized by him; and the said City Treasurer as respects all rates and assessments to be imposed, otherwise than by the Sheriff, is hereby authorized to give the notices, (Form G,) make the demands, (Form H,) to be signed by the City Treasurer or bear a *fac simile* of his signature and for the said notices the treasurer is authorized to charge a sum of twenty cents for each notice and ten cents for the signification thereof by the bailiff; and in default of payment to seize and sell, by warrant to be issued by the Recorder's Court, according to Form J annexed to this Act, in manner and form as provided for in the said section; and in the event of any opposition being filed, the proceedings shall be remitted to the Recorder's Court, which will have full power to act and adjudicate therein, subject to an appeal when an appeal is now granted by-law :

29. 30 V. C. 57 S. 11. Recovery of taxes. 2. But the said Corporation may also sue for the recovery of any ordinary or special assessment, tax, duty, or municipal dues whatever, owing to the said corporation, by action before the Recorder's Court, and in accordance with the law regulating the said Court.

Whenever the person upon whom such notice and demand have been served, has any defence to the claim of the said Corporation, he may, within ten days from the day on which such service has been made, present to the Recorder's Court a petition, of which notice shall be given to the City Treasurer, setting forth the nature of his defence, and praying that no further proceedings be taken on such notice and demand, which petition shall in all cases be supported by affidavit; upon the presentation of such petition, the said Recorder's Court shall proceed to adjudicate thereupon, and if it be dismissed, the notice and demand served shall have the same effect as if no such petition had been presented; and if the said petition be maintained, the said Recorder's Court shall make such order thereupon as the justice of the case may require.

Petition by person having defence against the demand of the Corporation.

Recorder's Court to adjudicate thereon.

3. Whenever any assessment, tax, rate or municipal dues whatever shall have been imposed on any movable or immovable property belonging to several co-heirs, or possessed *par indivis* by several persons whose names cannot easily be ascertained by the assessors, it shall suffice for the said assessors to inscribe in the assessment book the name of one of the co-heirs or co-possessors; and the co-heir or co-possessor whose name shall be thus inscribed shall be held liable for the full payment of the assessment, tax, rate, or other municipal dues so imposed, reserving his remedy as by law against his co-heirs or co-possessors.

29, 30 V. C. 57, 8, 11. New provisions as to joint owners of property.

4. No person assessed on real property shall pay less than one dollar in each year, even if the amount of his assessment shall be less than that sum."

Minimum tax on realty.

5. No execution issued and no judgment obtained against the proprietor, or the tenant or occupant, shall deprive the said Corporation of the power of prosecuting and executing the judgment obtained for the payment of the said assessments, taxes, rates or other municipal dues, against either the said proprietor, tenant or occupant, if such payment cannot be obtained from that one of them who shall have been already sued in the matter; "

See 14, 33, V. C. 46. Either proprietor or tenant may be sued if the other fails to pay.

26. 1. Proprietors or persons in possession as proprietors of immoveable property within the said city shall, after the first day of May, one thousand eight hundred and seventy three be held and bound to pay all the assessments and water rates duly imposed thereafter on the said property

Proprietors alone responsible for taxes.

14 S. 33 V.
C. 46.
Proprietors
recourse.

2. But such proprietor or possessor shall be entitled to recover from the tenant or occupant by suit in the recorder's court, all assessments, which by the law hereby amended fell to the share of his tenant, whether such proprietor or possessor has previously to such suit paid the said assessments or part of them or not, and this provision shall apply to subsisting leases passed previously to the present act; provided that the assessment books of the said corporation shall continue to be made as heretofore, and shall contain the names of both proprietors and tenants, although the proprietor or person in possession as proprietor alone is responsible to the said corporation for the assessment on the said property.

22 S. 34 V.
C. 35.
Liability of
tenant of
absent pro-
prieter.

3. If a proprietor or possessor of an immovable property is domiciled without the limits of the city, the tenant or occupant shall be liable for all the taxes and water rates imposed upon the property, and such tenant or occupant shall have the right to deduct the same from the rent payable to the proprietor.

29 30. V. C. 57:
Limitation.

4. But the corporation shall in such case bring their action against the proprietor before the commencement of the quarter ending the year of tenancy during which such assessments, taxes, rates or other municipal dues shall have become payable;

Execution
against lands.

5. In case a defendant debtor to the Corporation for assessments or other municipal dues does not possess any moveables, or if he does not possess sufficient moveable property for the payment of the debt and the costs, or of any portion of the debt and costs which may be due, then if such defendant possess any real estate, lands and tenements in the district of Quebec or in any other district in Lower Canada, a writ *de terris* for the seizure and sale of the said real estate, lands and tenements, shall be issued from the Recorder's Court according to law, at the instance of the Treasurer of the Corporation, upon the return of the bailiff, having the execution of the writ, setting forth the absence or insufficiency of moveable property;

Writ *de terris*.

Writ to whom
addressed.

6. The writ shall be addressed to the Sheriff of the District in which the real estate is, and returnable into the Superior Court for the District of Quebec;

Proceedings on
writ.

7. The Sheriff shall proceed upon the writ in all respects as provided by law in all cases of sales of real estate by authority of Justice, and shall make a return of the said writ and his proceedings upon it to the said Superior Court;

8. Any opposition, incidental claim or proceeding connected with the execution of the writ and the distribution of the moneys produced by the sale of the real property, lands and tenements shall be made, filed and determined by the said Superior Court as if the said writ had issued from it; ^{Oppositions &c.}

9. The Treasurer of the City shall be charged with the recovery and collection of all moneys due to the Corporation, and he shall use all legal means necessary for the purpose; ^{Duty of treasurer.}

10. He shall be responsible for the loss of any sum due to the Corporation, unless he proves that he has made every effort for its recovery; ^{His responsibility.}

11. In case the debtor of any assessment, tax, or other municipal dues, does not reside in the District of Quebec, he shall be notified to appear in the Recorder's Court in the manner prescribed by law for summoning absent debtors, and the provisions of that law shall apply *mutatis mutandis* to any proceeding before the said Court, in the same manner as they apply to the Superior and Circuit Courts; ^{Summoning absentees.}

12. All assessments, taxes, or other municipal dues owing to the Corporation, shall be privileged debts, and be paid according to the rank assigned to assessment and rates by the two thousand and ninth article of the Civil Code; ^{Debt to corporation privileged, as per Civil Code, art 2099.}

13. But this privilege, which need not be registered, shall only extend to the current and preceding year, and as regards real estate, it shall only affect the real estate upon which or in respect of which such assessment, tax, duty or other municipal due shall have been imposed; as regards personal property, this privilege shall only extend to moveables possessed within the limits of the City, unless the debtor has fraudulently conveyed the said moveables without the limits of the City; ^{Limitation of privilege. Moveables.}

14. In case the assessment books for the current year are not made and completed at the period at which the said privilege shall be exercised or claimed, the Corporation may demand for the current year, the assessment, taxes or other municipal dues entered against such debtor for the preceding year in the said books of assessment, and it shall be for the debtor to establish that, since the completion of the last books of assessment or the expiration of the fiscal year of the City, he has ceased to be liable for such assessment, taxes or other municipal dues or any of them; ^{If the books for the current year are not made up. Onus of proof on debtor.}

Prescription of taxes. 15. The action of the Corporation for the recovery of any assessment, tax or other municipal due whatsoever shall be prescribed by the lapse of two years to be computed from the day on which such assessment, tax or municipal dues shall have become due and payable ;

To apply to special rates, &c. 16. All the provisions of the present Act shall apply in like manner to the recovery of all special assessments or rates imposed by the Council of the said City, or by the Treasurer of the said City, and to the rate or tax for water furnished by the water-works of the said city ;

EXEMPTIONS FROM TAXATION,

Educational and charitable institutions exempt. 27. The property of any incorporated institution for education, or charitable purposes, occupied and used for educational or charitable purposes, and also all other property by such institution leased for the aforesaid purposes, or occupied as schoolhouses by the School Commissioners of the said city, shall be exempt from taxation, and such houses or properties so occupied are also exempt from tenants' tax.

POWERS OF THE COUNCIL GENERALLY.

AUDITORS—THEIR APPOINTMENT AND DUTIES.

Appointment. 28. In the month of February, in each year, the council shall appoint two auditors, chosen from among the persons having the qualifications prescribed by this Act, to fill such office ;

Qualification. 2. No person shall be capable of being elected auditor unless he shall have been a resident householder within the City of Quebec for one year next before his election ;

Disqualification. 3. No member or officer, or *employé* of the city council shall be appointed auditor ;

Vacancies. 4. Any vacancy occurring in the office of the auditor shall be filled up by the council ;

Refusal to Act. 5. Any person who shall refuse to accept the office of auditor shall be liable to a penalty of two hundred dollars ;

Oath of office. 6. Every auditor, before acting as such, shall take, before the mayor, the oath of allegiance and of qualification mentioned in Schedule E appended to this Act and of which it

forms part; and such oaths shall be administered by the Recorder of the said city or by a justice of the peace for the city or for the District of Quebec.

7. Immediately after the first day of August, the first day of November, the first day of February and the first day of May, in each year, the auditors and also the members of the council appointed for that purpose by the mayor, shall examine the treasurer's accounts of the city for the preceding quarter, with all vouchers and papers connected therewith, and certify them correct, if they shall be so, and return them to the said city treasurer; Audit of Treasurer's accounts.

8. In their report to the council in May, in each year, the auditors shall declare upon oath whether the city treasurer has or has not complied with the requirements of the present Act with regard to the sinking fund Report as to sinking fund.

OTHER POWERS.

29. The city council shall be invested with all the powers and authorities possessed or vested in the Court of Quarter Sessions, or Justices of the Peace for the District of Quebec, or any of them, before the incorporation of the said City of Quebec, within the limits of the said city, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, dams, causeways, pavements, drains, ditches, embankments, watercourses, sewers, market-houses and weigh-houses, and other public buildings or erections within the said city, and also for, touching and concerning the dividing of the said city into divisions, and the appointment of overseers of highways, streets and bridges, provided that such powers and authorities shall not be inconsistent with the provisions of this Act; and all real and personal property within the said city, and which were at the time of the passing of the said Act of Incorporation, under the control and authority of the said Justices of the Peace, or any of them, have become and shall be subject to the powers, authority, control and direction of the said council; City Council invested with certain powers formerly vested in Quarter Sessions, &c.

2. The council may appoint committees, composed of a certain number of its members, for the discharge of the duties within its jurisdiction, but such committees shall be subject in all things to the approval, authority, and control of the said council; Committees.

3. The council shall have the right to demand and cause to be delivered, and receive all books, plans, deeds, documents Books relating to the City.

ments and papers, relating to the City of Quebec, which were in the custody of the Justices of the Peace, before the incorporation of the said city;

Licenses to taverns, &c.

4. The council shall grant licenses to keep taverns, hotels or houses of public entertainment, under the restrictions imposed by the general laws of the Province;

Giving Recorder cognizance of malfeasance of officers.

5. The council may by a resolution cause the Recorder of the City of Quebec to take cognizance of all matters mentioned in such resolution, whether it relates to any alleged malfeasance, violation of deposit, or other improper conduct, of any of its members, officers, employes or contractors, in so far as such acts shall have been committed by the offender in his capacity of member, officer, employe or contractor, or whether it relates to the good government, or the administration of any portion of the public affairs of the said city; and the Recorder shall thereupon make an investigation, and he shall have, for this purpose, all the powers given by the thirteenth chapter of the Consolidated Statutes of Canada, to commissioners named by virtue of the said chapter, and he shall report to the said council the result of such investigation with all possible diligence.

Powers of Recorder in such case.

31 V. C. 33. Evidence before council or committees, how obtained.

6. Upon any inquiry or investigation being entered into before the said council or any committee thereof, it shall be lawful for the mayor 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 inquiry 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 such 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 the province of Quebec.

CONTRACTS ENTERED INTO BY CORPORATION.

29, 30 V. C. 57, S. 13. Contracts over \$100 to be notarial and with security on real property.

30. In the case of any contract exceeding one hundred dollars made by the said corporation, or the committees of the council of the said city, the said contract shall be executed before notaries, and the party contracting with the corporation shall furnish, as securities, two or more persons, one of whom shall be a proprietor of real estate, who shall bind

themselves jointly and severally with the contractor, in favor of the said corporation, for the due execution of the said contract; the surety being the proprietor shall produce a certificate from the Registrar of the county or division of county in which his property is situated, that the said property is free from all debts and hypothecs, to at least an amount sufficient to secure the execution of the contract; the said sum shall be stated in the contract, and the real property of the surety described therein, and the said contract shall create a privileged hypothec in favor of the said corporation, and any contract entered into in violation of this provision shall be *ipso facto* null and void.

CITY BY-LAWS,

POWER OF THE COUNCIL FOR THE PASSING OF

31. The city council may, at any meeting or meetings thereof at which not less than two thirds of the members thereof are present, make one or more by laws for the following purposes, that is to say:

For the internal management of the said Council;

22 V. C. 63,
S. 8.

1. For the good order, peace, security, comfort, improvement, cleanliness, internal economy and local government of the said city; for the prevention and suppression of all nuisances, and of all acts, matters and things in the said city, opposed, contrary or prejudicial to the order, peace, comfort, morals, health, amelioration, cleanliness, internal economy or local government of the said city;

Peace, good
order, &c.

WATERING STREETS, &c.

2. For imposing an additional tax of five cents in the pound on the annual value or rent of real property, upon the proprietors and tenants of those parts of the city, in which at least two thirds of such proprietors and tenants shall ask for the imposition of such tax to defray the expense of watering, sweeping or taking away the snow from such place or street;

Tax for wa-
tering.

DAMAGES BY MOBS.

3. For imposing a special tax upon proprietors of real property in the said city, in order to pay the damages which any mob, or tumultuous assemblages of persons disturbing the peace of the city, shall have caused to any private

Tax to pay
damages.

Responsibility if no by-law. property; and if such By-law shall not be passed within six months following the day on which such damages or injury shall have been so occasioned, the person so injured shall have a right of action against the said corporation.

MARKETS.

Changing sites or establishing new. 4. For changing the sites of markets and market-places, and to establish others, and any person injured by such act of the the council shall have a legal recourse against the corporation ;

Clerks of markets, &c. 5. For regulating the powers of the clerks of the markets, and every thing relating to the markets; the St. Paul's market, established by the ninth George the Fourth, chapter fifty-three, and the landing place of the St. Paul's market belong to the said corporation who represent the Trustees and Justices of the Peace;

Prevention of forestalling. 6. For preventing the purchase and sale, by any person whomsoever, of any produce or provisions, meat, fowls or other articles whatsoever, intended for the public markets of the said city, in or upon any street or public place, or any yard, house or building, or any other place whatsoever in the said city, in which farmers or other persons coming to the said markets, deposit or store their produce, provisions, meats, fowls or other articles or effects whatsoever, before bringing them to the said markets; or on the wharves or on the steamboats or other craft whatsoever, lying beside the wharves of the said city, and in which the produce, provisions, meat or other articles or effects whatsoever are brought in order to be sold on the markets of the said city.

HEALTH OF THE CITY.

Boards of Health. 7. For establishing Boards of Health ;

Their powers and duties ; 12 V. C. 116. So soon as the corporation shall have established Boards of Health, such Boards may take cognizance of the causes of disease, and shall have all the powers and privileges conferred upon them by the twelfth Victoria, chapter one hundred and sixteen ;

Contagious diseases. 8. To limit the number of persons in each house, in time of cholera, typhus fever, or other contagious diseases; and also with respect to wearing apparel, and other articles susceptible of communicating any such infectious disease ;

9. To make a tariff of fees to be paid to persons employed ^{Tariff of fees.} by the Board of Health established by the corporation;

10. To regulate disinterments which shall be effected ^{Disinterments.} under the directions and control of the person or persons appointed, with the concurrence of the council;

11. To prevent the establishment of new burial grounds ^{Burials and} within the city limits; preventing burials in the said city, ^{burial} and closing cemeteries therein, on payment of a reasonable ^{grounds.} indemnity to ^{properties} interested.

REGULATION OF WEIGHTS AND MEASURES, &C.

12. For regulating the weighing or measuring of firewood, ^{Fire wood, &c.} coal, salt, grain and lime;

13. To regulate the weight and quality of bread, with the ^{Bread.} right of declaring forfeited, and forfeiting, all bread of light weight or of bad quality.

PREVENTION OF ACCIDENTS BY FIRE.

14. The council may make by-laws for preventing ac- ^{Fires.} cidents by fire;

15. For governing and controlling all persons present at ^{Fire com-} fires; and establishing fire companies for the protection of ^{panies.} property;

16. To name and appoint all officers or persons necessary ^{officers.} for the execution of the by-laws relative to fire;

17. To defray the expenses which may be deemed right to ^{Engines, &c.} incur for the purchase of engines, or apparatus of any kind, for the purpose of preventing fires;

18. To cause to be demolished and removed all buildings ^{Demolishing} and fences which shall be deemed necessary to be demol- ^{buildings, &c.} ished, or taken down, in order to arrest the progress of any fire;

19. To prevent thefts and depreddations at fires; ^{Depredations.}

20. To punish any person who shall maltreat any member, ^{Punishing} or officer, or employé of the said council, in the execution ^{offenders.} of his duty, or who shall resist, interfere with, or prevent him from executing the same;

29, 30 V. C. 57, S. 15. Allowances to firemen hurt, &c.

21. To pay any sums necessary to indemnify or to assist by an annual allowance, not in any case to exceed fifty dollars, any person who shall have been heretofore or shall be hereafter a member of a fire company or of the police of the said City, who shall have received or shall receive in the performance of his duties as such, a wound, or contract or have contracted any disease rendering him unable to provide for his support either in whole or in part, or the family (the wife or children) of any such person who shall have lost his life in the performance of his duties aforesaid; and the Council shall by such by-law determine the period during which such allowance shall be paid.

31, Vic. Chap. 32, 1868. Enquiring into origin of fires.

22. For establishing a judicial enquiry into the cause and origin of fires, for which purpose the council shall have the power to compel the attendance of parties and witnesses before them, under pain of fine or imprisonment, or both, to examine them on oath to be taken and sworn before the Mayor, and to commit for trial, on the Mayor's warrant, any party or parties against whom any well grounded cause of suspicion may be found, of their having wilfully or maliciously originated such fire or fires;

Construction of buildings as regards accidents by fire.

23. The said council may also prescribe or regulate the manner in which houses or buildings shall be erected, in order to prevent accidents by fire, and may regulate the construction, dimensions and height of chimneys, and specially in the cases of houses or buildings erected above other houses or buildings which they may adjoin, by whom, at whose expense, in what manner, to what height, and within what time, the chimneys of the less elevated houses and buildings shall be raised so as not to endanger the adjoining or neighboring houses;

29, 30, V. C. 57 S. 16. Penalties for violating by-laws.

And may punish any infringement of any provision of such by-law, by a fine not exceeding forty dollars for each day such infringement shall continue; and every such day shall constitute a distinct and separate offence, and shall be prosecuted as such.

Storage of Petroleum, &c.

24. To regulate or prevent, within the limits of the city, the storage of Petroleum, coal oil, and explosive or inflammable substances of the like nature;

Chimney-sweeping.

25. To compel the citizens to have their chimneys swept by licensed chimney-sweepers, in certain ways and at certain times;

Tax on Chimneys.

26. To impose a tax upon chimneys, to provide funds for the chimney and fire departments;

27. To prohibit the sale of fire crackers, fuses, Roman ^{Fire works.} candles, serpents, and all other fire-works, of what kind or sort soever; and also, any projectile or missile made of powder;

28. The council may grant licenses to chimney sweeps, ^{Licensing chimney sweeps.} and fix the tariff of fees therefor; as soon as the council shall grant licences for this purpose, no person shall sweep chimneys without a license; and any person who shall in such case sweep chimneys without a license, or exact a higher rate than that fixed by the said tariff, shall be liable to a fine of five dollars;

29. The occupant of any house of which the chimney ^{Fine for not having chimneys swept.} shall take fire shall be liable to a fine not exceeding five dollars, unless it be proved that such occupant complied with the regulations respecting the sweeping of chimneys.

ROADS, STREETS, VACANT LOTS, WHARVES.

30. The Council may also make by-laws respecting the ^{Good order of streets, &c.} cleanliness, security, tranquillity, good order and management of any street, square, promenade or public garden or wharf in the said city, and the accommodation and security of persons passing, or of other persons in or upon such street, square, promenade or public garden or wharf;

31. For obliging and compelling proprietors and occupants ^{Fencing and draining property, &c.} of real property, to enclose the same, and to keep the same clean and free from filth and dirt, and to make the necessary drains, sewers and privies on such property;

32. And for fixing the height of the said fence and the ^{Defining height of fences, and materials.} materials of which it shall be constructed, to compel the proprietor or his agent to level the soil thereof, within a delay to be fixed by such By-law; if within the said delay the said persons or any of them neglect to conform to the provisions of the said By-law, or if such property is vacant and its proprietor is unknown or absent from the District of Quebec, the said council may order the officer charged to see to the execution of the said By-law, to cause the said land to be fenced, cleansed or drained at the costs of the proprietor, and the said costs shall be a privileged claim and may be recovered from the said proprietor, agent, tenant, or occupant, by action of debt before the Recorder's Court, saving the recourse of such agent, tenant or occupant against the proprietor;

Removing snow, &c.

33. For requiring the removal by any proprietor, tenant or occupant of any house, building or real property whatsoever, or of any portion thereof, in the said City, of all snow, ice, dung, mud, soot, filth or any matter or thing whatsoever injurious to health or emitting a bad smell, or contrary to cleanliness, in or upon any street, lane or public place, adjoining such house, building or property on any side whatsoever.

Limitation of obligation to remove snow, &c.

But such proprietor or occupant shall be required to make such removal from one half only of such street or lane, or from fifteen feet in width of such public square adjoining such house, building or property, in accordance with the by-laws made or to be made in that behalf by the Council of the said City.

Encroachments on streets.

"(a). For directing and requiring the removal of any doorstep, porch, balustrade, balcony, gallery or other projection into, or obstructions in any street, or public square, or anything impeding or contracting such street, lane or public square;"

Cost of removal, how paid.

"(b). And by such by-law the said Council may order and direct that any matter or thing, projection or obstruction mentioned in subsection thirty-three and the last preceding subsection added thereto, shall be removed at the expense of the proprietor, tenant or occupant, by the officer or person who shall be appointed to see to the execution of such by-law; And the costs of such removal shall be recovered from such proprietor, occupant or lessee, by an action for debt, before the Recorder's Court, in the name of the said Corporation, and recovered in pursuance of the law regulating the said Court;"

now on roofs.

"(c). For directing and requiring the removal by any proprietor, occupant or tenant of any house or building, or of any part thereof, the snow and ice from the roof of such house or building, when such roof slopes or inclines towards a street, lane or public square, and when such snow or ice may be dangerous to public safety."

Lighting.

34. For lighting the said city or any part thereof;

Levels of side walks.

35. For altering the level of the footpaths or sidewalks; and persons injured by such alteration to have legal remedy against the corporation;

Removing encroachments.

36. To pull down, demolish and remove, at the expense of the proprietor, or occupant thereof, any buildings, walls, fences, or other buildings and erections encroaching on

streets or public places, and any old, dilapidated or ruined walls, chimneys or buildings; which said expense shall be sued for and recovered in the manner set forth in the thirty-third paragraph of the present section;

37. The said corporation shall regulate all that relates to ^{Roads, bridges, canals, &c.} roads, bridges, canals, sewers, water-courses, drains, beaches, and public places within the limits of the said city;

38. Proprietors or occupants of houses or buildings ^{Or Proprietors or occupants to keep drains. &c., in order.} other real property, in or under which any drain, canal or water-course may pass, shall be bound to keep the same in good order, under the penalty of twenty dollars at most, and not less than four dollars; If after eight days' notice given ^{Penalty for default.} to them by the City Surveyor, in writing, or by such notice being left at their domicile or place of business, and given to any reasonable person of their family, or in their employ, they shall not do that which they are hereby bound to do, such surveyor may cause the same to be done at their cost and charges, and which may be recovered from them by the Corporation, by an action for debt before the Recorder's Court, of the said city, together with the costs of such action;

LICENSES, DUTIES, &C.

39. The Council may also make by-laws for imposing ^{Tax on vehicles in which articles are sold.} duties or taxes upon vehicles in which any provisions, meat, merchandize, or any thing shall be sold, exposed or offered for sale in the said city, or on any person selling, exposing or offering for sale such provisions, meat, merchandize or other effects in the said city, in baskets, boxes or any other manner;

40. (1). To compel all butchers, bakers, hucksters, pedlers, ^{31 v. C. 33, S. 10.} carters and porters residing or exercising their trade or business in the said city, and all bateaumen, canoemen, and ^{33 v. C. 46, S. 26.} boatmen plying for hire between the city of Quebec and any other place whatsoever, to take out licenses and numbers from the city clerk, for which licenses and numbers no more than ten dollars shall be exacted, if the person bound to take out such license reside within the limits of the said city, and not exceeding twenty dollars if the person do not reside in the said city, but carries on business therein; provided always that the bateaumen and canoemen shall not require a license for the winter season. ^{Butchers, &c., to take out licenses.}

29, 30 V. C. 57.
Dimension of
numbers.

(2). The said council may, by a by-law, fix and determine the dimensions of such numbers and the mode and manner of placing them on each vehicle, horse, boat, bateau or canoe used by any of the said persons in the exercise of their said trade or calling respectively. For each number so given by the said corporation, there shall be paid a just and reasonable compensation to be fixed by the said by-law.

Penalty.

(3). Whosoever shall infringe any of the provisions of this by-law made in conformity with the present section shall incur for each offence a fine not exceeding twenty dollars, which shall be recovered according to law before the recorder's court.

Who shall be
deemed to be
exercising the
calling.

(4). Whosoever shall habitually put, place, or cause to be put or placed a boat, canoe or bateau, at or near any landing slip, strand or wharf whatever within the limits of the city of Quebec, or transport in such canoe, bateau or boat any person, effects or merchandize whatsoever, shall be considered as exercising the trade or calling of a canoe-man, bateauman or boatman, for hire and profit as above stated, whether for himself or for any other person, and shall be liable to all the fines and penalties imposed by law or by the by-laws of the said city against persons exercising the trade or calling of boatman, bateauman or canoe-man; and in all suits or complaints brought in virtue of the present provision, the defendant shall be held to allege and prove that he does not exercise the trade or calling of a bateauman, canoe-man or boatman.

The same if
resident out-
side the city.

41. To compel all butchers, bakers, hucksters, pedlers, carters, bateaumen, canoe-men and porters, residing without the city limits, but carrying on their trade or business within the limits of the said city, to take out licenses and numbers, which said licenses and numbers the said corporation is empowered to issue, and charge reasonable fees therefor;

29, 30 V. C. 57.
Selling meat
regulated.

42. No person shall sell, offer or expose for sale any butcher's meat, such as beef, veal, mutton or fresh pork, except in the stalls of the markets of the said City, or of any other building appropriated for that purpose by the said Corporation, on pain of fine not exceeding one hundred dollars for each offence; But farmers may sell on the said markets in accordance with the by-laws of the said City, all kinds of meat, either by the quarter or whole, being the yield of animals raised on their farms, or the produce of their hunting; And in any action for the violation

Ex option.

of the provisions of this subsection, the Corporation shall ^{Prove so, as to} not be required to prove that the defendant has sold, offered ^{proof.} or exposed for sale meat not being that of animals raised on his farm or the produce of his hunting.

(a) The said Council may, by any by law made for that ^{29 30 V. C. 57-} end, compel any transient merchant or trader, his agents, clerks or employees or any person selling in the said City by samples, to take out from the clerk of the said City a license, for which there shall be paid to the Treasurer of the said City the sum not exceeding two hundred dollars.

43. Any police officer or constable of the said City may require any person mentioned in the preceding subsection, to exhibit his license, and on his refusal, or if he has no license, the constable shall bring such person before the ^{Refusing to exhibit license.} said Recorder's Court, if it be then sitting, to be by the said Court disposed of according to law; ^{Arrest of offender.}

44. If the said Court be not then sitting, and the person so arrested is unable or unwilling to give bail, before the clerk of the said Court or his deputy, or before the said Recorder, for his appearance before the said Court, at its next sitting, or if the said person refuses to pay the amount due by him for his license, such person shall be detained in one of the police stations of the said City until the next sitting of the said Court; ^{If Recorder's Court is not sitting.}

45. If such person has no license, the bail required by the next preceding subsection shall be two hundred dollars; ^{If the person arrested has no license.} in any other case it shall be eighty dollars, and if the conditions of the admission to bail be not fulfilled, the sum mentioned in the recognizance shall belong to the said Corporation, and may be recovered by an action for debt before the said Recorder's Court in accordance with the law regulating the said Court; the surety or sureties required by this and the next preceding subsection shall be known and solvent persons residing within the limits of the said City;

46. If the said person appear, the Court on the admission of such person or on proof of the offence by one or more credible witnesses, shall condemn such person to pay a fine not exceeding two hundred dollars, and in default of immediate payment of the said fine, and of the costs, the said person shall be imprisoned and detained in the common gaol of the District of Quebec, for a period not exceeding two months, unless the said fine and costs, together with those of imprisonment, be sooner paid. ^{If the offence be proved.}

Licenses to sell
any article in
the streets.

47. To oblige all persons selling or offering for sale in the streets, squares or public promenades of the said city, any merchandize, object, article or effect whatsoever, to obtain from the said council a license for that purpose, which license shall be valid during the period fixed, and shall be given by the officer named for that purpose by the said By-law; And, for the price or cost of such license, there may be imposed a rate not exceeding the sum of twelve dollars;

Or to keep
vehicles, &c.,
for hire.

48. To compel every person keeping horses or vehicles for hire in the said city, to obtain a license for that purpose from the said council by paying for such license a sum not exceeding forty dollars;

Sec. 18, 33,
V. C. 46.
Licenses to be
taken out by
traders, &c.

(1). In every case where the council is or shall be authorized to impose a specific rate or rates on any commerce, trade or business whatsoever, followed or carried on in the said city by an association or company of persons, or by any person whomsoever, the said council may impose such rate or rates in the manner now prescribed by law, or oblige all such association or company of persons or any person whomsoever, to take out a license for the carrying on of such commerce, trade or business, or merely render liable to such obligation the said commerce, trade or business to such extent, and not exceeding the rate fixed by the by-law of the twenty-seventh April, one thousand eight hundred and sixty-six.

How issued.

(2). All licenses shall be issued under the signature of the city clerk, on the certificate of the city-treasurer that the price of the said license has been paid by the person applying for the said license.

Penalty in
case of contra-
vention.

(3). Any person carrying on in the said city any commerce, trade or business for which a license ought to be previously taken out and obtained as aforesaid, without such license, shall incur for such offence a fine not exceeding five hundred dollars, to be recovered conformably to law before the recorder's court of the said city.

For what pe-
riod licenses
shall be valid.

(4). All licenses granted in virtue of the present section as well as all licenses which the corporation of the city of Quebec is authorized to issue under the acts incorporating said city, shall be valid from the day of the issuing thereof until the first day of May then next, and no longer.

Not to apply
to transient
merchants.

(5). The provisions of the present section shall not apply to transient merchants.

MASTERS AND SERVANTS.

49. For the ruling and governing of masters, mistresses, apprentices, servants, employees and journeymen; ^{To make rules, &c,}

50. The said council shall, as regards the conduct and regulation of masters, clerks, apprentices servants, hired persons and laborers in the said city, be invested with all the powers contained in the provisions of chapter twenty-seven of the Consolidated Statutes for Lower Canada, and may impose, by any By-law which it may make on this subject, a fine not exceeding forty dollars, for the contravention of any disposition of such By-law; ^{To have powers under c. 27 Con. Stat. L. C.}

51. Every prosecution or complaint, in virtue of such By-law, shall be brought before the Recorder's Court of the said city and shall be heard and decided in conformity with the law which regulates the said Court; ^{Jurisdiction of Recorder's Court.}

52. The said Recorder's Court, relative to the annulling of any engagement, as aforesaid, shall possess and exercise the powers conferred by the said chapter twenty-seven of the Consolidated Statutes for Lower Canada, in the cases referred to in the said chapter, and also the powers conferred on Justices of the Peace by sections six and eight of the said chapter; ^{Powers under c. 27 aforesaid.}

53. Any clerk, servant, hired person or laborer who, having been engaged in conformity with the provisions of the said Act or of the By-laws of the said council, refuses or neglects, without just cause, to perform the said engagement, or who, after having entered into such engagement, and before beginning his term of service in conformity with the said engagement, contracts another engagement with another person, shall, on conviction, be liable to a fine not exceeding ten pounds; ^{Fine on servants, &c., not performing their engagements.}

PUBLIC POUNDS.

54. The council may also make by-laws to authorize all officers or constables of police of the said city, to conduct into any public pound, in the said city, now established or which shall be established by the said council, any horse, cow, pig, sheep, goat or ram, which may be found straying in any street, or public square, garden or public promenade or wharf in the said city, or without any proper person taking care of the same; and any such animal shall remain in such pound until it has been claimed by the proprietor, ^{Impounding animals found at large.}

who shall pay such fine as shall be determined by the by-laws made for that purpose, as also the cost of keeping and feeding such animal ;

Sale, if not claimed in eight days.

55. If such animal be not claimed within eight days following the day upon which it shall have been taken as aforesaid, it shall be sold by public auction, after notice given to that effect in the French and English languages, and the proceeds of the said sale shall be remitted to the treasurer of the said city, who shall remit the same to the proprietor of the said animal after deducting the fine and the costs of keeping and feeding ;

Proceeds how applied.

If owner does not appear.

56. If the proprietor does not present himself within the six months following the said sale, the balance of the proceeds thereof, belonging to the said proprietor, shall be placed by the said treasurer to the credit of the said city, to form part of the funds of the said city ;

NUISANCES, &C.

Cleaning privies, &c.

57. To compel every proprietor, tenant or occupant of any house or building or immovable property in the said city, to clean and empty each and every water-closet or privy in such house or building, or on the ground upon which such house or building is erected, and to close in such privy, and to make and repair such closing and covering each time it shall be deemed necessary by the road inspector of the said city ; reserving the remedy of such tenant or occupant who shall have the right of deducting from the price of the rent or occupation, every sum by him justly expended in obeying the order of the said inspector.

Removal of other nuisances.

58. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, 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 said city ; to prohibit any person bringing, depositing or leaving within the city limits any dead body, or any dead carcass, and to require the removal of the same, or any article or thing about or liable to become 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, and recover the amount by action of debt before the said Recorder's Court;

59. To prohibit, if deemed necessary by the said council, the erection in the said city of all soap and candle, or oil or oil cake factories, slaughter houses, dyeing establishments, cement factories 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; but the said council shall have power also to permit such erection, use or employment, subject to such restrictions, taxes and duties, limitation and conditions, as the said council may deem necessary; and the council may require the obtaining of a license for which they may demand a sum not exceeding ten dollars; Prohibiting slaughter houses, and offensive factories.

CRUELTY TO ANIMALS.

60. The said council may also make by laws and regulations for punishing persons who shall ill-treat, ill-use, over-drive or over-load any animal, and also; By-laws for preventing.

PUBLIC ORDER.

61. For suppressing and regulating houses of prostitution, houses of ill-fame or disorderly or reputed such, or any other building whatsoever in the said City, suspected of being a house of prostitution, house of ill-fame or disorderly house, and to make in relation to such houses or buildings, or to the masters or mistresses thereof, or persons reputed such, or the tenants or occupants of such house or building, or the persons dwelling, lodging or residing in such house or building, or relating to any prostitute or person known or reputed to be such, any by-law necessary for public order, decency or morality; and by any such by-law, any master, mistress, tenant or occupant of such house or building, or any person reputed to be such, may be held responsible for any infringement of the provisions of such by-law, by any person dwelling, residing or lodging in such house or building, or frequenting the same, but nothing herein contained shall prevent the party offending from being prosecuted for the offence by him or her committed against such by-law, at the option of the prosecutor; and by such by-law, any infringement of the provisions thereof shall be punishable on conviction before the Recorder's Court, by a 29, 30, V. C. 57 S. 23. Suppressing or regulating houses of prostitution.

fine not exceeding one hundred dollars, or in default of payment of the fine and costs, by imprisonment with hard labor, for a period not exceeding six months; but the imprisonment shall cease on the payment of the fine and the costs due at the date of such payment.

Cock-fighting, &c. 62. To prohibit cock-fights, dog-fights, or fights of other animals, and all cruel amusements in the said city, and all games whatsoever in the streets or public squares, gardens, public promenades, or wharves in the said city;

Closing shops on Sunday, Fine. 63. To prevent any person whatsoever, (druggists excepted) from selling or retailing, or causing to be sold or retailed, or exposed for sale on Sundays, any effects, merchandize or things whatsoever; and to punish every infraction of such By-law by fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding two months, or both, in the discretion of the court which shall hear the complaint;

Closing taverns, &c., at certain times. 64. To cause every house or building whatsoever, licensed or unlicensed, in the said city, in which spirituous liquors, wines, beer or temperance liquors are sold, to be closed from nine o'clock on every saturday evening, until six o'clock on the morning of the following monday; and to compel the closing of every such house or building, whether licensed or unlicensed in the said city, in which spirituous liquors, wine, beer or temperance liquors are sold, from ten o'clock at night of each day until five o'clock in the morning, from the twenty-first day of March to the first day of October, and from nine o'clock at night until six o'clock in the morning from the first day of October until the twenty-first day of March in every year, and for punishing any infraction of such By-law by fine not exceeding sixty dollars, or by imprisonment for a term not exceeding two months, or both, at the discretion of the Court hearing the complaint;

Racing or furious driving. 65. To prevent horse racing or furious driving in the streets of the said city, and any race or trotting match or otherwise on any highway or public road within a radius of nine miles beyond the limits of the said city;

Gaming. 66. For suppressing, or regulating and taxing all gaming and gaming-houses;

DOGS.

Vicious dogs. 67. To punish, by fine, every person who shall keep or have in his possession a vicious dog, biting or attacking the passers by or other persons, or who shall keep any other

vicious animal, ferocious or dangerous, to the safety, or obstructing and disturbing the tranquillity of the citizens or of others in the city; and to order that the said dog or other animal be shut up or killed, or caused to be killed, or destroyed, at the cost and charge of the proprietor or persons keeping the same.

68. To award damages, not exceeding forty dollars, to any person bitten or wounded by such dog or animal, and the prosecution for the said fine or damages shall be brought before the said Recorder's Court, and heard and judged according to the laws which regulate the said Recorder's Court;

If the person thus bitten or wounded be a minor of less than sixteen years of age, in such case the action and damages shall be brought in the name of the father, or mother, or tutor of such minor;

69. To compel the owners and persons in charge of dogs to put collars on such dogs, with the name or names of the owner or persons in charge thereof legibly inscribed thereon;

HORSES, CARTERS, &C.

70. To punish by fine the owner, keeper or driver of any horse found in any street, lane, wharf, or other public place in the city, without any competent person being in charge thereof;

71. And by such by-law, the master proprietor or possessor of any such horse may be prosecuted personally and condemned for any infringement of the provisions of this by-law, whether the said infringement has resulted from the action of the said master, proprietor or possessor, or from the act of his domestic, servant or other person whomsoever in his service, or to whom he may have loaned or leased the said horse;

72. For the good government and discipline of carters, and for establishing carter's stands in the said city; and to make, change and alter a tariff of fees to be taken and charged by such carters; and upon all persons hiring out horses or vehicles in the city;

(1). And by any by-law so made, any person exercising the calling of carter may be held responsible for each and every violation of the said by-law committed by such carter or by his hired men or servants, whether the said violation

arises from the act of the said carter, or from the act of any such hired men or servants, and may be prosecuted and punished in conformity with the provisions of such by-law ; But nothing contained in the present clause, or in the one immediately preceding, shall prevent the person by whom such act has been committed from being prosecuted and punished by virtue of the by-laws mentioned in said clauses.

Who shall be deemed carters.

(2). Any person who shall be in the habit of remaining with a vehicle with one or two horses harnessed thereto, or of causing such vehicle so to remain on a carters' stand, or in a street, lane, porch, or the entry of a yard or house, or on a public square in the said City, or of carrying in such vehicle any persons, effects or merchandise whatsoever, shall be considered as carrying on the business of a carter for lucre, gain or profit, either for himself or for some other person, and shall be liable to any fine or penalty imposed by law or by the by-laws of the City, on persons carrying on the business of a carter aforesaid, and in any suit or complaint brought by virtue of this provision, the *onus* of proving that he does not so exercise the business of a carter shall be upon the defendant.

73. The Council may also make By-laws,—

Regulating ferries.

Tolls and licenses.

To regulate the ferries and ferrymen on the River St. Lawrence between the said City of Quebec and any place within the distance of twelve miles from the said city ; to fix the tolls to be charged and exacted by the said ferrymen ; grant licenses to the said ferrymen and fix the price or sum to be paid for each license and the period at which the same shall be renewed each year—one half of the said sum shall belong to the Corporation of the City of Quebec, and the other half to the respective municipalities to which the said ferries extend ; to impose a penalty for all infringement of such by-law :

Appropriation of license fees: Council may grant exclusive right of ferry to Lévis, after public auction:

74. But nothing shall prevent the said Council, if found more advantageous to the said city, from passing a by-law to authorize the sale and adjudication by public auction of the exclusive right of ferrying passengers, merchandise, animals and other property whatsoever, between the said city and the town of Lévis during a period not exceeding nine years ; the said by-law fixing and determining the day, the hour and place where the said sale shall take place, the upset price, and the conditions upon which the said sale shall be made ; the adjudication shall be made to the highest and last bidder, and the sum for which the last bid shall

have been given shall be the amount which the purchaser shall be bound to pay annually, during the term for which the same shall have been adjudged, at the period to be fixed by the said by-law; a deed of the said sale and adjudication shall be passed before notaries between the said corporation and the purchaser; the latter shall be bound to furnish two or more securities, proprietors of immovable property, who will bind themselves jointly with him towards the said corporation for the payment of the said sum, and for the execution of all the clauses, conditions and stipulations set forth in the said deed; the said securities shall furnish a certificate from the Registrar of the county or division of county in which the immovable properties of the said securities shall be situated, stating that the said properties are clear of all debts or mortgages or at least to the amount of the said sum; the designation and description of the said properties shall be set forth in the said deed, and the said properties shall remain hypothecated in favor of the said corporation;

Deed of Sale and security on real property, by the party obtaining such license.

75. If, within the four days which shall follow the said adjudication, the purchaser has not furnished the securities required as aforesaid, or should he neglect or refuse within the same delay to sign the said deed, the said sale shall be null and void, and the mayor of the said city shall order, without any other formality, another sale and adjudication, without prejudice to the legal recourse of the said corporation against the preceding purchaser;

Adjudication for want of deed and security.

76. The amount arising from such sale as aforesaid shall be divided between the said corporation and the municipality to which the said ferry shall extend;

Division of proceeds.

77. The said council may, by the by-law authorizing the said sale and adjudication, make such rules and regulations for the convenience and safety of the passengers and the mode of crossing, by fixing the time and number of the crossings to be made each day, and may impose a penalty not to exceed forty dollars for any infraction of the provisions of such by-law;

Safety of passengers, numbers of crossings, &c.

ICE BRIDGE OVER RIVER ST. LAWRENCE.

78. To prohibit any person from preventing, in any manner whatever, the ice from stopping and forming a bridge on the river St. Lawrence, from Montmorency River as far as

Prohibiting any impediment to formation of ice bridge.

and comprising the place called *Cap Rouge* on the said river, or from breaking, shattering or damaging in any manner whatsoever, all such ice or ice bridge formed or stopped in the said limits, and to punish by a penalty, not exceeding eight hundred dollars, all infringement of any of the provisions of all by laws passed to that effect; which said penalty shall belong to the corporation of the said city, and may be sued for in a summary manner before the Recorder's Court of the said city; and in default of payment of the said penalty and the costs, the defendant shall be imprisoned at hard labor for a time not to exceed three months, unless the fine and costs and those of imprisonment be sooner paid; and to that end the said court has the power to summon the transgressor, although he may reside without the limits of its jurisdiction, to appear before the said court to answer to the charge brought against him to defend and be judged in conformity with the law which governs the said court;

Penalty and how enforced.

Power of Court.

WHARVES.

Fixing rent. 79. To regulate and fix the rental to be recovered by the said corporation, for all wharves, the property of the said corporation;

Rate of wharfage, &c. And also to make a tariff of the dues or rates of wharfage to be exacted and levied for the use of the said wharves for the mooring of schooners, vessels or other craft, and for discharging, loading or depositing thereon for any other purpose, any animals, merchandise or effects whatsoever, or for the use or occupation by any vessel whatsoever, of Palace harbor within the limits of the said City.

CATTLE STANDS.

Selling cattle stands in markets by auction. 89. To authorize the sale by public action, if the said council finds it more advantageous, and cause to be adjudged to the last and highest bidder, each year, at the period which shall be fixed by the by-laws made to that effect, for

one year, the cattle stand and weigh-house, or other sources of revenue of all or any of the markets in the said city, and fix the conditions of such sale and adjudication; but the purchaser shall be bound to furnish two securities, proprietors of immovable property situate in the said city; which securities shall present a certificate from the Registrar of the County of Quebec, showing that the said properties are free from all debts or mortgages at least to the amount of the said adjudication; the said securities shall bind themselves jointly with the purchaser for the payment of the price of the said adjudication and the execution of all the conditions of the said adjudication; a deed of the said adjudication shall be passed before a notary and the said securities shall give and cause to be inserted the designation and description of their said properties, and the said deed shall carry a privileged mortgage in favor of the said corporation; if in the four days which shall follow the said adjudication the deed is not executed and complete in the manner above mentioned, the said adjudication shall be null, and the council shall order to proceed, without any other formality, to another sale and adjudication, reserving, however, the legal recourse of the corporation against the purchaser.

Purchaser to give security on real property, &c.

Or the sale to be null.

FEEES OF OFFICERS OF COUNCIL.

81. The said council is also authorized to make, in conformity with the law, one or more By-laws:

By-laws.

82. To fix and determine the fees to be exacted and levied by the respective officers of the said council, for any service by them done or rendered, at the demand of any person, or for searching for, making copies or extracts from any By-law or document whatsoever, of which they respectively have charge;

Fees to officers of the Council.

83. The said fees shall form part of the funds of the said city; but no fees shall be exacted in those cases in which the law obliges the said council or its officers to give, gratuitously, copies, extracts or communication of any By-law or document.

To belong to the City.

84. No huckster shall sell, offer or expose for sale, any commodity or provisions whatsoever, except in the stalls of the markets of the said city, or other building appropriated for that purpose by the said Corporation, under pain of a fine not exceeding forty dollars for each offence; and in any action or suit instituted for a violation of the provisions of

29, 30, v. c. 57. of S. 25. Hucksters.

this subsection, it shall not be necessary for the plaintiff to prove that the defendant is a huckster; it shall rest with the defendant to prove that he is not a huckster;

Who shall be. 85. Any person who buys, for the purpose of selling again by retail, any commodities or provisions commonly sold on the public markets of the said City shall be deemed to be a huckster.

GENERAL PROVISIONS RESPECTING BY LAWS.

Form of passing.

Publication, &c.

32. Every By-law shall be read twice by the said council, at regular and separate meetings, before being finally adopted, and submitted to the Governor in Council; and after having undergone the first reading it shall be published at length in an English newspaper and in a French newspaper published in the said city, and be followed by a notice indicating on which day such by-law shall receive its second reading, and an interval of at least three clear days shall elapse between such notice and such second reading; provided that said by-law may be altered or amended at such second meeting, if said council see fit.

31. v. c. 33. §. 11 Proof of By-laws.

2. All copies written or printed of any by-law, rule or order of council, certified by the city clerk, produced before the said Recorder's Court, or any court of justice, shall be held authentic until proof to the contrary;

Present By-laws, &c., continued till repealed.

3. All rules, regulations, by-laws or orders heretofore legally made by the said city council, or heretofore legally made by the Justices of the Peace, or any other competent authority, and now in force, shall continue to be in force in the said city, until they shall have been abrogated and annulled;

To be deemed public Acts.

4. The by-laws now in force in the said city, or which may in future be in force within the limits of the said city, shall be considered public Acts, and knowledge shall be had of them by every Court, Judge and person whatsoever, without it being necessary to allege them specially;

To be transmitted to Governor, who may disapprove.

5. A certified copy of every by-law adopted by the city council, shall be transmitted by the city clerk to the Lieutenant Governor who, during the three months following, may disapprove of them, and such disapproval shall render such by-law null and void, in the same way that every by-law is null and void which is repugnant to any law of the province; but if this disapproval of the Governor shall not be signified to the city council, such by-law shall continue to have full force and effect, unless contrary to any law in force;

6. The council may, for the punishment of the infraction of any by-law, impose a fixed or variable fine or penalty, and imprisonment in default of payment, and leave it to the discretion of the court to determine the amount of such fine or penalty, the time of payment, and the term of imprisonment; the fine or penalty shall not in any case exceed forty dollars, and shall be sued for and recovered in the manner and form prescribed by the law regulating the Recorder's Court of the said city, and the imprisonment shall not be for a longer period than two calendar months, unless a different penalty or imprisonment be fixed by law;

Discretionary
fines, &c., may
be imposed.

Limitation.

7. The council may authorized any officer or constable of the police to enter any house, building, yard, premises or other locality whatsoever in the said city, to ascertain if any infringement of the laws or by-laws now in force or which may hereafter be passed by the said council is being therein committed;

Authorizing
entry by police,
&c.

8. All recognizances in penal matters, taken and received in virtue of the present Act, shall hold good if taken before the Recorder's Court, the Recorder, or a Justice of the Peace of the District of Quebec, and shall be subject, as to forfeiture before the said court, to all the proceedings required for the forfeiture of recognizances before courts of criminal jurisdiction.

Recognizances
under this Act.

9. All recognizances required in penal matters, in all cases when the fine or penalty sued for shall belong to the said Corporation, in case of the non-fulfilment of all and every the conditions mentioned in such recognizance, shall be given in favor of the said Corporation, and in case of the forfeiture of such recognizance, the Corporation may recover the amount thereof from the sureties jointly and severally, by action for debt before the said Recorder's Court.

29. 30. V. c. 57.
S. 29.
Recognizances.

ERECTION OF WOODEN HOUSES.

31. After the passing of this Act, it shall not be lawful for any person whomsoever to construct or erect any house or building of wood in the said city, or to cover with wood or shingles any house or building:

Not to be
hereafter
erected.

21. V. C. 33, 8. No house or building whatever shall hereafter be built or
20. constructed of wood within the limits of the following wards
Wooden houses of the city of Quebec, viz: Montcalm, St. John, Jacques-
in certain wards Cartier and St. Roch's except in the following manner: —

How such houses shall be built. Every such house or building, to be built or erected here-
after, shall be covered on all the sides from the ground to
the roof with brick—at least one brick in thickness— and
the roof thereof covered with some fire-proof material.
As to houses already built. Provided that houses or buildings already erected of wood
in the said city contrary to law in that behalf, may within
twelve months from the passing of this act be covered with
brick and fire-proof material, as aforesaid, if application be
made for this privilege to the city council within three
months from the passing of this act.

Foundations of such houses. Every such house or building, to be erected hereafter,
shall be built upon a stone foundation, or upon a wooden
frame resting on piles or wooden posts.

Chief of Fire Department to report contraventions. 2. The chief of the Fire Department of the said city, shall
see to the execution of the foregoing provision, and shall
make a report, in writing, to the Recorder's Court of the
said city, of any contravention of the same;

Proceeding on such report. 3. The said court, upon such report, shall order the issue
of a writ of summons addressed to the proprietor or pos-
sessor of the ground upon which such house or building, in
wood, shall have been constructed or erected; or in case
such house or building is in process of construction, the said
summons may be addressed to the contractor or workman
constructing or erecting such house or building; ordering,
by the said summons, the person so summoned to appear
before the said court, at the place, day and hour mentioned
in the said writ, in order to answer to complaint laid in
the said summons, and to hear the order that the said house
or building erected, constructed or in process of erection or
construction, shall, within the delay which shall be fixed
by the said court, be thrown down and demolished;

Corporation to be plaintiff. 4. The corporation of the said city shall be the plaintiff
in the said summons;

If the defendant do not appear. 5. If, on the day of the return of the said summons before
the said court, the defendant do not appear, the said court,
after proof of the service of the said summons, and on proof
by one or more credible witnesses, of the allegations con-
tained in the said summons, shall order, that within the

delay which it shall fix, the said house or building be thrown down or demolished by the said defendant; and signification of the judgment to this effect shall be made to the defendant in the ordinary manner;

6. If the defendant appear, the said court, after having heard the witnesses produced by the parties, shall decide according to law; ^{if he appear.}

7. In all cases where the said court shall have ordered the defendant, within a certain delay, to throw down and demolish such house or building,—if, at the expiration of the said delay, the order of the said court has not been executed, the said court, on the report in writing, and under oath (made before the said court), of the said chief of Fire Department, shall order that a writ do issue from the said court, addressed to the sheriff of the district of Quebec, instructing him to cause to be demolished, without delay, and by all lawful means, the said house or building; ^{if demolition be ordered and order not obeyed. Sheriff to demolish.}

8. The said sheriff shall report to the said court any act or thing by him done in execution of the said writ, and the lawful costs by him incurred for that purpose, which costs, after approval by the Recorder of the said city, shall be paid to him by the treasurer of the said city without other formality; ^{Sheriff's report and costs.}

9. Any resistance to the said sheriff, or to the persons by him employed, in the execution of the said writ, shall be a misdemeanor, punishable on conviction before a court of competent jurisdiction, by a fine not exceeding four hundred dollars, and in default of payment of the said fine, by imprisonment and detention at hard labor in the common gaol of the said district of Quebec, for a period not exceeding twelve months; ^{Punishment for resistance.}

10. The costs of summons and proceedings in such cases, as well as those incurred in demolishing or throwing down any such house or building, shall be levied by the seizure and sale of the property and effects, movable and immovable, of the defendant, on a writ of execution issued by the said Recorder's Court, in conformity with the law. ^{Costs, how levied.}

11. After the passing of the present Act it shall not be lawful to cover with wood or other combustible material, any house or building which shall hereafter be constructed or built, or shall be in process of construction, at the period of the passing of the present Act; or to repair with wood or other combustible material, any roof which, at the time of ^{Wooden coverings to buildings forbidden.}

the passing of this Act, was composed of wood or other combustible material, when such repairs shall exceed five square feet;

Of what to be made.

But any such roof shall be of sheet-iron, tin, zinc, slate or other incombustible material which may be adopted or prescribed by a by-law of the said Council, under pain of a fine not exceeding two hundred dollars for every infringement of this provision, and a further fine not exceeding twenty dollars for every day such infringement may continue, and every day of such infringement shall constitute a distinct and separate offence punishable by the fine last above mentioned; and the said fine shall be sued for and recovered as prescribed by subsection twelve of this section.

How recoverable.

12. The said fine shall be recovered by the said corporation, by an action of debt, on proof of such infringement established by two or more credible witnesses, and recovered from the defendant in the same manner as other debts, due to the said corporation, may be so recovered on an action brought before the said Recorder's Court;

Punishment of chief of Fire Department for neglect of this duty.

13. If the chief of the Fire Department neglect to perform the duties imposed upon him by this Act, or if, being required by any person whomsoever to perform the same, he refuses or neglects so to do, the said chief of the Fire Department on complaint to that effect brought by any person whomsoever, or by the said corporation, before the said Recorder's Court, shall, on proof of such offence, established by two or more credible witnesses, be condemned to pay, for every such offence, a fine not exceeding two hundred dollars, which said fine shall belong to the said city, and shall, by an action of debt, be sued for and levied in the same manner as hereinabove mentioned.

29, 30, V. C. 57. Wooden buildings forbidden.

14. After the passing of the present Act, it shall not be lawful to build or construct, or to cause to be built or constructed, within the limits of the said city, any house or building of wood faced exteriorly with brick or stone except as limited by the 34th section of this Act; but the four outer walls or sides of such house shall be built or constructed wholly of brick or stone, or of brick and stone;

Penalty.

15. The fine for every infringement of this provision shall be recovered from the proprietor of such house or building, or from the builder thereof and the proprietor, if such building is in course of construction; or may be recovered from the tenant or occupant of the ground upon which such building shall be situated, if the building in course of

construction or constructed is being constructed or has been constructed for such tenant or occupant, and such line shall be recovered in the manner prescribed by the said subsection twelve respecting wooden buildings; Recovery of fine.

POWERS OF CITY SURVEYOR WITH RESPECT TO STREETS.

35. No street, public passage or lane which may hereafter be opened, within the limits of the city, shall be less than thirty feet in width; width.

2. The Corporation shall and may retake possession, without payment of any indemnity of the ground of any street, road, market or other public places, upon which any person may have encroached; Taking possession of ground encroached on.

3. The City Surveyor and Inspector or Inspectors of roads shall visit the streets, roads, lanes, bridges, market-places and other places, and generally all the property of the said corporation, and cause all obstructions to be removed therefrom and also all encroachments, by the person liable or interested therein, by giving such persons notice in writing, either by serving or causing it to be served upon them personally, or by leaving or causing to be left such notice at their domicile or place of business, in charge of a reasonable member of their family, or person in their employ, requiring them to remove and suppress the said obstructions and encroachments, within a reasonable time to be specified in such notice, and in default of their doing so within the time to be so specified, the said inspectors or any or either of them, shall cause the said obstructions to be so removed and the said encroachments to be suppressed, at the cost and charges of such persons, which cost and charges may be recovered, by a suit for debt brought in the Recorder's Court in the name of the said corporation, of and from such persons, together with the cost of such suit or action, and such persons shall further be liable to a penalty, not exceeding forty dollars for non-compliance with such notice. City surveyor to cause obstructions and encroachments to be removed. Notice to persons in default. Costs. Fine.

4. Whenever the city surveyor shall deem it necessary that a new foot way should be laid down or renewed, or repaired in the whole or in part, in front of any house or premises in any street in the city, it shall be incumbent on the proprietor or occupant of such house or premises, within seven days after notice in writing to that effect shall have been served upon him or her, by or at the instance of the said city surveyor, either personally or by leaving the said Proceedings for causing renewal of any footway.

Notice.

Proprietor to furnish wood, or corporation at his expense.

Recourse of tenant furnishing wood.

notice at the residence or place of business of such proprietor or occupant, and giving the same to a reasonable member of the family, or person in the employ of such proprietor or occupant, which said notice shall require the said proprietor or occupant to furnish and deliver on the spot the necessary deals or planks to repair or to make such foot-way or renew the same in whole or in part, and to comply with the requirements of the said notice, and in default of such proprietor or occupant doing so within the said delay it shall be competent to the said city surveyor to cause the said deals or planks to be purchased for any of the purposes aforesaid, and delivered on the spot aforesaid, at the cost and charges of such proprietor or occupant, which said costs and charges shall be recovered from such proprietor or occupant by an action for debt instituted in the name of the corporation in the Recorder's Court, together with the costs of such action; in cases where the occupant, by lease or agreement, is not bound to pay such charges, he shall be entitled to recover the amount of the said deals and planks, and cartage thereof, or the amount of the judgment rendered against him, and costs, from the proprietor or other person bound by such lease or agreement to pay the same, by an action brought to that effect before the said court;

See 20th S. 31, V. C. 33. Wooden houses permitted to be built in certain wards. (infra, p. .)

Persons intending to build &c., to give notice to city surveyor, before placing materials on street.

Fine for contravention.

5. Any person desirous of building, reconstructing, demolishing or repairing any house, building, enclosure or wall on any street, road, lane, or public place, shall give notice to the city surveyor of the time when such work will be commenced and finished, and obtain from him or other person duly authorized, a permit, stating the width upon any such street, road, lane, or public place, such person may occupy, for placing building materials or rubbish thereon, and such width shall not exceed one third of the said street, road, lane or other public place, and shall be enclosed by the person so building, demolishing or repairing, by a wooden fence of at least ten feet high; any person violating any of the provisions shall be liable to a penalty not exceeding forty dollars;

Fee for permit.

6. The said corporation may charge a reasonable fee for such permit to the person to whom it shall be given;

Projections over streets, &c., prohibited.

Removal thereof.

7. It is strictly prohibited to have any gallery, window, portico, staircase, sign, or other obstruction, extending or projecting from any house or building into or beyond the line of any street, road, lane or public place in the said city, and the city surveyor shall, without previous notice, cause any such to be removed at the expense of the proprietor of such

house or building; which said costs and charges shall be recovered by an action of debt by the said Corporation before the said Recorder's Court;

8. From the first day of November until the first day of Winter roads. May in each year, the proprietors or occupants of houses, lots or vacant spaces of ground in the city, shall keep in repair and good condition, the roads whereby their property is bounded on every side, conformable to the regulations which may be in force.

GENERAL PLAN OF THE CITY.

36. The city council shall, within eight years, cause to be made a general plan of the city, and such plan shall be deposited six consecutive months in the office of the city clerk, for the inspection of the public; notice of such deposit shall be given by the city surveyor once a week during the said six months, in a French and in an English newspaper published in the said city; and the day on which the homologation of such plan will be applied for shall be mentioned in such notice; whoever shall consider himself aggrieved by the said plan, or shall find such plan erroneous in any particular, shall file an opposition before the Recorder's Court, before the said day fixed for the homologation thereof, and the said court shall decide summarily, and award costs in favor of or against such opposant according to law and justice; if the plan shall be approved and confirmed, the clerk of the said court shall mention it on the said plan, and thereupon such plan shall be binding for and against all persons.

City Council to cause plan to be prepared and deposited in office of City Clerk.

Corrections, and homologation, its effect.

EXPROPRIATION FOR PUBLIC IMPROVEMENTS.

37. The council of the said City of Quebec shall have full power and authority to provide by a by-law of the said corporation for paving, opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city funds, or that the costs thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in, or benefited by, the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the corporation of the said city and the proprietors or other persons interested, or by complying with all the

By-law authorizing public improvements and at whose cost.

Taking land for such improvements.

formalities hereinafter prescribed, for opening streets, public squares, markets, or other public places, or for continuing, enlarging, or improving the same, or a portion of the same, or as a site for any public building to be erected by the said council;

Certain parties enabled to convey to corporation.

2. All corporations or bodies, and all husbands, tutors, guardians, curators *grévés de substitution*, or trustees who are or shall be seized or possessed of, or interested in, any piece or pieces, lot or lots, of ground or real property within the said city, selected and fixed upon by the said council for any of the purposes aforesaid, may not only for themselves, 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, whether minors, issue unborn, lunatics, idiots, *femes covert*, or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said corporation; 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 whatever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of, or in pursuance of this Act, without, however, diminishing, in any manner whatever, the responsibility of such corporations and persons towards those whom they represent, as regards the purchase money or compensation of such sales or conveyances;

In case the party and the council cannot agree upon the compensation to be paid.

3. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit;

Notice by post to the party last assessed for the property: and in newspapers.

4. The corporation of the said city, by their attorney or counsel, shall give a special notice addressed through the Post Office to the person in whose name the property

was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile, and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that they will by and through their said attorney and counsel present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the District of Quebec, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*); and one month at least shall elapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition; and the said notice shall, moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof;

Petition to Superior Court or Judge to appoint three commissioners to fix compensation for all property taken.

5. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report; Provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable grounds being shown to that effect;

Court or judge to appoint. Proviso.

6. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Superior Court to inflict upon each of the said commissioners upon proof of his or their refusal or neglect to perform the said duties; but the exemptions provided for in behalf of certain persons, by the Statute for Lower Canada, relating to juries, shall apply equally to any of the

Commissioners appointed bound to act, under penalty. Exemptions.

said commissioners, who may appertain to any one of the classes of persons mentioned in the said Statute ;

To be furnished with plan. 7. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map showing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated ;

Outfit of office. 8. The said commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked K ; and they shall be invested with the same powers and entrusted with the same duties as are conferred by the laws in force in Lower Canada upon *experts* in reference to appraisements ; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties ;

Power to compel production of title deeds. 9. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds ; and upon their failing to comply with such demands, the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested ; and the amount of the said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation ;

Duties of commissioners in fixing compensation. 10. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved upon by the city council or for the damages caused by such expropriations : and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected, required for any improvement which the said council may have ordered to be made and carried out at one and the same time ; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation ; but the said examination and interrogatories shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage or

Hearing parties and witnesses.

custom to the contrary notwithstanding; provided always, that if, in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

Proviso: in case of difference of opinion, majority to decide.

11. In every case wherein the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation;

If only part of any property be taken.

12. If one or more of the said commissioners, at any time after their appointment, shall fail in the due performance of the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the corporation of the said city, by its attorney, to apply, by summary petition, to the said Superior Court, or to a Judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and replace the commissioner or commissioners who may have forfeited or violated his or their obligations; and upon such petition the said court or judge may issue such orders as may be deemed conformable to justice;

If the commissioners fail to perform their duties, they may be removed and others appointed.

13. In case any of the said commissioners should, after being appointed, die or be unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect to be presented by the cor-

If either of the commissioners die &c.

poration of the said city, after two clear day's notice to be established to the satisfaction of such Court or Judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor ;

Public notice of decision of commissioners. 14. So soon as the said commissioners shall have completed the proceedings relating to the appraisement, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, or who may consider themselves aggrieved by the said appraisement, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as aforesaid, it shall be lawful for the said commissioners to maintain or modify, at their own discretion, the appraisement made by them of any piece or parcel of land or real estate as aforesaid ;

Hearing parties aggrieved, Corrections.

Homologation of Report of commissioners which shall then be final. 15. On the day fixed in and by the judgment appointing the said commissioners, the corporation of the said city, by their attorney or counsel, shall submit to the said Superior Court, or to one of the Judges thereof respectively, the report containing the appraisement of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being satisfied that the proceedings and formalities hereinafter provided for, have been observed, shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal ;

No compensation for buildings, &c., erected after notice of intended improvement. 16. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said city, heretofore provided for, or if any street, public place or square shown and designated on the said plans or maps, shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever, shall have caused to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the fourth

subsection of the present section, shall have been posted upon the said pieces or parcels of land or real estate as aforesaid;

17. The corporation of the said city shall, within fifteen days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without and further formality enter in possession of, and use the same for any of the purposes authorized in and by this Act; any law statute or usage to the contrary notwithstanding;

Compensation awarded to be deposited in Court : effect of each depos.t.

18. Any expropriation made in virtue of the present section shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgages or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act;

Compensation' to represent the property as regards charges on it.

19. When the money shall have been deposited and signed in the hands of the Prothonotary, in accordance with the provisions of the seventeenth subsection of this section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; Provided, always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors), the amount of

Court to call in creditors. &c., of parties entitled to compensation.

Proviso : not to be subject to tax.

such price or compensation and damages shall not be subject to the commission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost whatsoever;

20. All the provisions contained in the fifth and following subsections of the present section of this Act, with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives for any damage he or they may have sustained by reason of any alteration, made by order of the said council, in the level of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, 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 corporation shall not agree; and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city surveyor the level of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee;

Foregoing provisions to apply to compensation in certain other cases, where land is not taken.

Corporation may take more than the extent actually requisite.

Limitation.

21. In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging or otherwise improving the said streets, squares, market-places, or other public places, or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation 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, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place or site for any public building, in case the proposed

improvement applies to both sides of such street, square, market-place or site, as aforesaid; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days previous to the day fixed as aforesaid on which the said commissioners are to begin their operations; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more;

Proprietor may object, and then the provision shall not apply.

22. The corporation of the said city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act, for similar improvements within the limits of the said city; Provided, always, that before exercising any of the powers conferred upon it, by the present section, the said corporation shall obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid;

Corporation may improve streets, and acquire land beyond the limits of the City.

Proviso: consent of municipality required.

23. 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 Quebec, under the authority of this Act, may invest the price or 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;

Corporations whose property is taken may acquire other property.

24. So soon as the report of the said commissioners shall have been confirmed and ratified by the said Court, or by one of the judges thereof, as the case may be, conformably to the fifteenth subsection of the present section of this Act, it shall be the duty of the assessors of the said city, in all cases where the said council may have ordered, in conformity with the first subsection of the present section of this Act, that the cost of the said works or improvements shall be borne in whole or in part by the proprietors or parties interested, benefited or to be benefited by the said improvements, to assess and apportion in such manner as to them

Assessment of costs of improvement on parties benefited.

- may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the by-law of the said council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited, by such improvement; and the said assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement;
- Basis of assessment.** 23, 30. V. C. 25. On the completion of the said special assessment roll, the said assessor shall deposit the same, duly certified, along with a map or plan, designating all and every the pieces or parcels of land or real estate subject or liable for the said special assessment, in the office of the City Clerk;
- Term.** The said roll shall remain in the said office during fifteen days, for examination, from nine in the morning until four in the afternoon of each day, (Sundays and fêtes d'obligation excepted);
- Notice of deposit.** Notice of the deposit shall be given under the signature of the said Clerk in at least two newspapers published in the French language, and two newspapers published in the English language in the said City, and twice in each of such newspapers, and parties interested shall be informed in the said notice that every person who shall deem himself aggrieved by the said assessment roll may, within the said fifteen days from and after the first insertion of the said notice, file his complaint in writing and under oath, in the office of the Clerk of the Recorder's Court of the said City; such oath may be administered by any Justice of the Peace for the City of Quebec, or by the Clerk or Deputy Clerk of the said Court;
- Complaints may be filed.**
- Proceedings on Complaint.** And thereupon proceedings shall be had upon the said complaint in the manner and form prescribed by law for the revision of the ordinary assessment rolls of the said city; and no complaint shall be allowed after the expiration of the delay aforesaid, under any form or before any court of justice whatsoever.
- Recovery of such assessment.** 26. The special assessment mentioned in the next preceding subsections may be recovered by the corporation of the said city in the same manner as any other tax or assessment which the said corporation are authorized to impose by this Act;

27. The duties assigned to the said assessors by the twenty-fourth and twenty-fifth subsections of the present section may be performed with the same force and effect by the concurrent majority of the said assessors; and in every case where a difference of opinion may arise between the said assessors, the decision of the majority of all the assessors shall have the same force and effect as if the whole of the said assessors had concurred therein;

Majority of assessors may act.

28. The mode prescribed in the preceding subsections for expropriations, and for levying and determining special assessments, shall have force and effect, and shall be followed and applied, only as regards works and improvements which the council of the said city may hereafter order to be carried out;

Preceding provisions to apply to future improvements only.

29. It shall be lawful for the council of the said city to order by by-law, certain works or improvements in the streets, public places or squares of the said city, such as dressed-stone paving, flagstone or brick footpath or side-walks street crossings or wooden side-walks or grading, and to defray the cost of the said works or improvements out of the city funds, or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such streets, public places or squares in proportion of the frontage of the said real estate respectively; and in the latter case it shall be the duty of the surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court;

Council may order dressed-stone foot paths, &c.

Cost, how payable and how assessed.

30. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of the present section;

Who shall be deemed absent.

31. Any bailiff of the Superior Court for the district of Quebec may serve and post up the notifications required by the present section, and make a return thereof under his oath of office.

Bailiffs may serve notice under this section.

32. The assessments mentioned in the foregoing provisions of this section shall be recovered before the said Recorder's Court in the same manner as any Municipal assessment, tax, due or rate whatsoever, is recoverable before the said Recorder's Court under this Act.

29, 30, V. C. 57-S. 40. Recovery of assessments.

THE CITY WATER WORKS.

Corporation
may construct
water works
and to what
distance beyond
the City.

§ 8. And whereas it is necessary to consolidate and amend the law relating to the water works of the City of Quebec; it is enacted that the corporation of the City of Quebec is authorized to make, erect, construct, repair and maintain, in the City of Quebec, and without the limits of the said city for a distance of twenty-five miles, water works, together with all appurtenances and accessories necessary to introduce, convey and conduct throughout the said city and parts adjacent a sufficient quantity of good and wholesome water, which the said corporation is authorized by the present Act to take and distribute for the use and supply of the inhabitants of the said city and the parts thereto adjacent; and also to improve, alter or remove the said water works or any part or parts thereof; and to change the site of the several engines and places or sources of supply thereof; and also to erect, construct, repair and maintain all the buildings, houses, sheds, engines, water-houses, reservoirs, cisterns, ponds and basins of water, and other works necessary and expedient to convey water to the said city and parts adjacent thereto:—For this purpose the said corporation may purchase, hold and acquire any lands, tenements and immovable estates, servitudes, usufructs and hereditaments in the said city, or within a circuit of twenty five miles from the limits of the said city; and also to make contracts for the acquisition of lands necessary for the said water works; acquire a right of way whenever it may be necessary; pay any damages occasioned by such works either to buildings or lands; enter into and make agreements and contracts with any person for the construction of the said water works in whole or in part; superintend and direct the works completed; name and appoint an engineer and all officers and laborers necessary, and fix their salaries or wages; enter during the day time, upon the lands of private individuals for the purposes aforesaid and also make excavations and take and remove stones, soil, rubbish, trees, roots, sand, gravel and other materials and things, but by paying or offering a reasonable compensation for the said materials and things, and by conforming in all things with the provisions of this Section;

Powers for this
purpose.

The said rights
may be assign-
ed and re-
purchased.

2. The said corporation may assign and make over, for a period not exceeding twenty years, all the rights and privileges conferred by the present section, and may repurchase them after having been so assigned.

3. All bodies politic or corporate, or corporate or collegiate corporations, aggregate or sole, communities, husbands, tutors or guardians, curators, *grevés de substitution*, executors, administrators and other trustees or persons whatsoever, are authorized to sell to the said corporation such lands, tenements, servitudes, usufructs and hereditaments, which the said corporation may require for the purpose of the present section, and which they may be possessed of in their present qualities; they may also agree with the said corporation in the same way as private individuals, respecting all matters relative to the works mentioned in the tenth and eleventh subsections of the present section; and all contracts, agreements, references to arbitrators, sentences and verdicts rendered for or against them, shall be equally binding upon those whom they represent, wherever the property or interests of such may be concerned;

Parties enabled to convey to the corporation for water works.

4. The Governor in Council may grant or give to the corporation, on such condition as he may deem expedient, beach, lots or ground covered by water, to enable the said corporation more fully to carry this Section into effect;

Governor, &c., may grant beach lots, &c.

5. The said corporation, after having paid or offered or deposited the municipal value of any real estate it may require for the purposes of the present section, may enter upon and take possession of the same in virtue of the present section, but not unless such payment, offer of payment or deposit shall have been made;

Corporation may take possession on certain conditions.

6. Whoever shall not accept the offer made in writing by the said corporation for lands, servitude, right of way, or other thing or dependency thereof, may agree with the corporation to refer the subject in dispute to *experts* or arbitrators, and the award of such *experts* or arbitrators shall be final and binding in all matters, the value of which shall not exceed one hundred dollars, but in all matters, where the award shall exceed this sum, the dissatisfied party may appeal to the Quarter Sessions of the District of Quebec, at the next following sitting thereof, after the rendering and publication of the said award, otherwise the sentence or award shall be final and binding; and the costs shall be paid by the party against whom the *experts* shall award them; if there be any appeal the Court shall refer the question of compensation to a jury, and the costs of appeal shall be paid by the appellant of the verdict of the jury shall confirm the said sentence, and by the respondent if the contrary be the case.

Reference to arbitrators or experts, if parties and corporation do not agree.

Appeal.

Nomination of experts by corporation and party.

7. If the corporation and the party who shall not accept the offer of the corporation shall not agree respecting the nomination of the *experts*, the said party shall name one and notify the corporation of the fact, and call upon the corporation to name the second *expert*, and if the said corporation shall not choose him within three days after the date of such demand, or if the *expert* appointed or chosen by the corporation shall refuse to act within three days after his appointment, one of the Judges of the Superior Court for Lower Canada, residing in Quebec, shall, upon the petition of the dissatisfied party, upon proof upon oath of one credible witness that the facts are such as above recited, name an *expert* for the said corporation, and the said two *experts*, before acting shall name a third expert, and if they should not agree upon the choice of such third *expert* the said Judge shall name him, upon the request of the dissatisfied party, and all that is mentioned in the next preceding subsection with reference to the award of the arbitrators, the right of appeal and costs of appeal, shall also apply to the award of the *expert* named in virtue of the present section

Third expert how appointed.

Deposit of compensation if the title be doubtful

8. If there shall be any doubt as to whom the compensation for any real estate required by the corporation shall or ought to be paid, or to whom the offer of payment ought to be made, the corporation shall in such case deposit the amount of the said compensation in the hands of the Prothonotary of the said Superior Court, at Quebec, to abide the judgment of the said Court relative to the distribution of the said sum among the parties who shall be entitled thereto; and the said Court shall prescribe the mode of calling in all parties interested, and make such order or decision in relation to the same as in its discretion shall seem just and reasonable;

Provisions to apply to servitudes.

9. The preceding subsections shall apply to the case where the said corporation shall desire to exercise a right of way or servitude, or cause works to be done on any private property; the corporation shall have the power to exercise these rights, or cause such work to be done, after payment, or offer of payment, or deposit of the amount of indemnity that it may deem reasonable in such case, and if the parties interested shall not agree with the said corporation, respecting the amount, or the award and choice of the *experts*, the proceedings above mentioned shall be followed according as the case may be;

10. The said corporation shall have power to dig, break up and remove the soil, fences, sewers, drains, pavements, gravelled ways, of any public highways, roads, streets, squares, hills, market places, lanes, open areas, alleys, yards, courts, waste grounds, footways, quays, bridges, gates, toll-gates, enclosures, ditches, walls, boundaries, and other passages and places, but making or causing no unnecessary damage, and to enter upon and make use of any private lands, and use the same, and to dig and sink branches, and lay and drive pipes, appurtenances and accessories thereof, and to widen common passages, for the laying and fixing of pipes and all such matters and things as may be necessary thereto and necessary to convey the water to houses, or other buildings, and also to alter, repair, replace and maintain such pipes, and other materials and works, and finally make and do any other act, as shall or may be necessary or expedient for the purposes of the present section;

Power to open the ground on roads, &c.

And to lay pipes.

General powers.

11. It shall be lawful for the said corporation to pass pipes along the outside of any house or other building, to furnish water to any other property, and open and unpave common passages, and make trenches to lay pipes and other appurtenances and accessories, and in such case shall indemnify the proprietors for any damage occasioned to, or sustained by them;

Passing pipes along buildings, passages, &c.

12. Whoever, having the right to do so, shall open or cause to be opened any trench, shall take care to preserve a free and uninterrupted passage through the street or place while the works are in progress, and shall fill up the trenches and replace the pavement and ground in the same condition as that in which they were before the works were begun, and without unnecessary delay; and shall cause the place where the ground shall be opened, or broken up as aforesaid, to be fenced or guarded with lamps, or with watchmen during the night, so that the same may not be dangerous to passengers, upon pain of a fine or penalty of twenty dollars, to be recovered before the Recorder's Court, by summary process and upon oath of one credible witness; this fine shall not deprive any person injured by the said excavation of a right to an action of damages against the corporation.

Free passage along roads, &c., to be preserved.

Openings to be lighted and watched.

13. The said water works and the accessories thereof shall be so located and maintained as in nowise to endanger the public health or safety;

Location of works.

14. Whoever, not having any right thereto and without the authority or permission of the Council of the said city, shall take or use, in any manner whatsoever, water from

Penalty for using water without authority.

the said water works, shall incur, on conviction for the said offence, before the Recorder's Court of the said city, a fine not exceeding one hundred dollars, and in default of payment of the said fine with costs, shall be imprisoned and kept at hand labor, in the common goal of the district of Quebec, for a period not exceeding three months, unless the fine, costs of prosecution and of imprisonment, be sooner paid;

Penalty for bathing, &c., in water in reservoirs, &c.

15. If any person shall bathe, or wash, or cleanse anything in any of the reservoirs, cisterns, ponds, lakes, basins or fountains from whence the water to supply the said city is obtained or conveyed, or shall throw or put any filth, dead carcass, or other noisome or offensive thing therein, or cause, or permit the water of any sink, sewer, or drain, to run or be conveyed into the same, or cause any other annoyance or derangement to be done to the said water, such person shall be liable for each offence to a fine not exceeding one hundred dollars of which one half shall belong to the said corporation, and the other half to the informer, which said fine shall be levied in the manner prescribed by the next preceding subsection; if the said Recorder's Court, before which shall be brought any complaint for the commission of any of the offences above mentioned, shall deem it expedient, the offender shall be condemned, in addition to the fine or fines above mentioned, to an imprisonment not exceeding three months in the common goal of the District of Quebec;

Imprisonment in addition.

Penalty for obstructing erections of water-works.

16. If any person shall prevent the said Corporation or any person employed by the said Corporation, from erecting, repairing or completing any of the works of the said Water-works, or from exercising any of the powers or rights accorded by this section, or shall embarrass or shall interrupt them in the exercise of such rights, or cause any injury to the said Water-works, apparatus or accessories thereof, or obstruct, embarrass, hinder or prevent the working of the said Water-works, or the apparatus or accessories thereto belonging, or any portion thereof or shall cause the same to be done by others, such person shall, on conviction before the said Recorder's Court, be punished by a fine not exceeding one hundred dollars, or by an imprisonment not exceeding three months, or by both at once, at the discretion of the said Court, without prejudice to the damages caused, which the said Corporation may recover, together with costs of suit, by an action before the said Court, and the said Court shall proceed in the said action as prescribed by the law regulating the said Court.

Fine or Imprisonment or both.

17. The said corporation shall have the power to make by-laws or orders prohibiting, upon pain of a fine not exceeding forty dollars, or an imprisonment not exceeding one month, or both, any occupant of a house or any other real property or of any part thereof supplied with water from the said water works from furnishing water to others, or from using it otherwise than for his own use, or for increasing the supply of water agreed for, or from wasting it;

Penalty for furnishing water from water works to others; or wasting it.

b. The corporation shall also have the power to make by-laws or orders, to regulate the time, the mode and nature of the supply of water from the said water works, to those to whom it ought to or shall be furnished, the price of the water, the time and mode of payment; and all and every matter or thing having reference to the said water works, which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the said city a regular and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the said corporation with regard to the water to be so supplied;

Supply of water and payment for it.

Preventing frauds.

18. The said corporation shall have power to appoint one or more Inspectors empowered to enter, at all reasonable hours, into any house or building, and upon lands traversed by the water of the said water works, and to examine the cocks, pipes, service pipes, conduits, cisterns, reservoirs, or apparatus placed in such houses, buildings, lands and the dependencies thereof, and such entrances and examinations shall be regulated and determined by the by-laws for this purpose made, or to be hereafter made, by the said corporation, and to which the said inspectors and all other persons residing either permanently or temporarily in the said city shall conform and submit, under such penalties as may or shall be fixed or prescribed by the said by-laws, and the fine in such case shall not exceed forty dollars, and the imprisonment shall not exceed two months in the common gaol in the District of Quebec; both these penalties may be imposed together, or one or the other only, at the discretion of the Court;

Inspecting houses, &c., furnished with water.

Penalty for impeding inspectors.

19. As soon as the corporation is ready to furnish water to the city or any part of the city, they shall declare it by a resolution of the city council, which resolution shall be published three times in one English and one French newspaper published in the said city, and after such publication, all proprietors, tenants and occupants of houses or other immoveable property, within the said city, shall pay to the said corporation an annual rate or assessment not exceeding three cents in the dollar upon the assessed annual value of

Notice when the corporation is ready to furnish water.

General water rate thereafter.

Additional rate on houses to which water is ready to be supplied. their houses or other immoveable property; and on all houses and other immoveable property in the said city to which the corporation is ready to supply the water of the said water works, whether the proprietors, tenants or occupants thereof consent or not to receive the said water the corporation may levy and collect an additional annual rate or assessment not exceeding seven cents in the dollar upon the assessed annual value of the houses or immoveable property supplied with water, and this over and above any special rate or tax hereinafter provided for; the said rate or assessment shall be fixed by a by-law of the corporation,

To be fixed by by-law.

Least rate to be 20. If the assessed annual value of any property, or part so per annum. of any property, provided with water from the said water works shall be less than forty dollars, the proprietor, tenant or occupant shall pay to the corporation a fixed annual rate or assessment of five dollars as and for the price of the said water;

Special rates for water used for certain purposes. 21. The said council, by one or more by-laws to be made as aforesaid, may impose a tax or special taxes on each horse, cow or other animal supplied with water from the said water works; or

b. On each steam-engine fed by the water of the said water works, and on each other engine worked by the said water; or

c. On each court house, gaol or other public establishment supplied with the water of the said water works; or

d. On each theatre in the said city; or

e. On each hotel, boarding-house, coffee-house, restaurant or other house of public entertainment in the said city to which the water of the said water works is supplied or may be supplied according to law; or

f. On all breweries, tanneries and other manufactories supplied with water for the purposes of their manufactures;

Cutting off water for non payments of rates.

22. In each and every case in which any tax or rate for water heretofore imposed by any by law, or which may hereafter be imposed by the said council, by virtue of the preceding subsections, shall not have been paid within the thirty days following the day on which such tax or rate shall have become due and payable, the said council may order the stoppage or suspension of the supply of water to any such person, institut on, establishment, house or building hereinabove mentioned, by whom the said tax or rate may be due;

23. Notwithstanding the stoppage or suspension of the said supply, the said tax or rate shall continue to be due, in future, in the same manner as if the said supply were continued; Rate still payable.

24. The cost of stoppage or suspension of the said supply shall be paid by the person, institution or establishment in arrear aforesaid; Cost of cutting off.

25. The arrears due as aforesaid shall be recoverable from each and every person, proprietor, occupant, tenant or administrator of any building to whom such water shall have been supplied as aforesaid; Arrears from whom recoverable.

26. The said costs, and each and every sum due to the said water works by virtue of the foregoing provision shall be recovered in the Recorder's Court of the said city, in the manner presented by this Act; Jurisdiction of Recorder's Court.

27. The said corporation shall have the right to notify any proprietor, tenant or occupant of the brewery, distillery, manufactory, livery stable, hotel, or any building or property in which any steam-engine shall be used, or any building or property in which it shall be considered that there is, or ought to be, more than an ordinary consumption of water, that the corporation does not intend to furnish him with water from the said water works at the ordinary price, and thereupon the said corporation shall and may cease to furnish water to the said proprietor, tenant or occupant, who shall also cease to be held liable for the payment of the said rate or assessment with regard to such property; but the said corporation and the said proprietor, tenant or occupant, may enter into an agreement, for any period not exceeding ten years, with respect to the rate or price at which the said water shall or may be furnished to the said property; and any such agreement, being reduced to writing and signed by both parties, shall be valid and binding; As to buildings in which the consumption of water is greater than ordinary; agreement may be made.

28. The officers appointed by the council shall, at all reasonable times, have the right to enter upon the premises, in respect of which any such agreement has heretofore been made or may hereafter be made, to see that the quantity of water stipulated for by the agreement and no more is furnished to the property, and the said council may, in their discretion, cause tanks calculated to contain such stipulated quantity and no more, to be erected on such property, and cause the same to be filled daily by their officers, and all further supply of water to be cut off from the premises; Officers of Council may enter to see that the consumption is not greater than agreed upon.

Council may cause hydrometers to be used for measuring the water consumed.

29. The said council is hereby authorized to cause hydrometers to be placed for the purpose of regulating, determining and measuring the quantity of water to be supplied by the said water works either to every house or building to which the said water is or may be supplied, or to every public institution, court-house, gaol, hotel, house of public entertainment of whatsoever nature, or boarding house; or to every distillery, factory, manufactory, establishment, or art, trade, commerce or industry of any nature whatsoever, in the exercise of which the water of the water works is or may be used, or to any one of the same; and the said council may for the purpose adopt any by-law which it may deem necessary;

And charge rent for such hydrometer.

30. It may compel each and every proprietor, tenant or occupant of any house or building; or each and every person, public institution, court-house, gaol, hotel, house of public entertainment of any nature whatsoever, boarding house, brewery, distillery, manufactory, art, trade commerce or industry whatsoever, as aforesaid, to pay for the fitting up and rent of any hydrometer, such sum as may be determined by such by-law;

Debentures for water works may be called.

31. The said corporation, after notice given during three months in two or more newspapers published in Quebec, and in the *Canada Gazette*, shall have the right to call in the debentures issued for or in respect of the said water works which may be due, and such debentures as shall not be so presented for payment within six months after the first publication of such notice, shall cease to bear interest on and after the expiration of the six months; the said corporation may however, renounce to the rights conferred upon it by the present clause in mentioning such renunciation in the debenture;

Proratio.

Punishment for forging debentures, &c.

32. If any person shall forge, alter or counterfeit any debenture aforesaid, or any stamp, indorsement or writing therein or thereon or tender in payment or exchange for cash, or put in circulation any such debenture, forged altered or counterfeited, as aforesaid, knowing that it is so forged, altered or counterfeited or that any stamp, indorsement or writing upon or on such debenture is forged, altered or counterfeited, with intent to defraud, shall, upon conviction before a court having competent jurisdiction, be condemned at the discretion of the said court, at hard labor in the Provincial Penitentiary, for a period not less two years, or in any other prison or house of correction for a period not exceeding two years;

33. The revenues of the said water works shall be applied to the payment of the costs of maintenance, and current expenses and the interest of the said water works debentures, and the balance shall form a fund, separate and distinct, to extinguish the capital of the said debentures, after which extinction the revenues of the water works shall form part of the general funds of the city;

Application of revenues from water works.

34. The corporation shall keep separate and distinct accounts of the receipts and expenses of the said water works, and shall cause them to be audited by the auditors named in virtue of this Act, and at the same time and as often as the corporation is bound to audit the general accounts of the said corporation; the corporation shall also publish after the first day of May in each year, in a French newspaper and in an English newspaper in the said city, a statement shewing:

Certain accounts to be kept by the corporation as regards the water works.

a. The amount of the revenues and profits of the said water works;

Items of such accounts.

b. The number of persons supplied with water;

c. The extent and the value of the movable and immovable property belonging to the corporation for the purposes of the said water works;

d. The amount of debentures issued and unpaid, and the interest paid during the year or remaining due;

e. The expenses of collection and management and other contingencies;

f. The salaries of officers and servants employed for the purpose of the said water works;

g. The costs of repair, amelioration and alteration of the said water works,

h. The price paid for any real property bought, and the amount received or to be received for any real property sold, in a word, a statement giving a full and perfect knowledge of the affairs of the said water works;

35. All actions or suits against any one whomsoever, for anything done under this section, respecting the Water Works shall be instituted within six months after the commission of the act or thing done, or in case of damages, within six months after the damage shall have been done, and the defendant may plead the general issue, offer the

Limitation of suits for things done under this Act: provisions for protection of defendant.

present Act in proof, and allege that the act or thing was done under the authority of the present Act, and if this shall appear to be the case, or if the action shall have been brought after the delay fixed by this subsection, judgment shall be rendered in favor of the defendant, with treble costs against the plaintiff, who shall also be bound to pay them in case where he shall make default, or discontinue the action or suit, and such costs shall be levied in the ordinary way;

Doubts as to the interpretation of certain words removed.

36. And whereas difficulties have arisen as to the correct interpretation of the words "occupied house and store" in the Acts relating to the water works of the said City: it is hereby declared and enacted that the words "occupied house or houses" in the section of this Act, relating to the water works, and in the by-laws of the Council of the said City, have signified, do signify, and shall signify any house occupied as a dwelling or for any other purpose whatever, except as a store; and the words "store and other similar buildings" in the said Act and By-laws have signified, signify, shall be held to and will signify in the said section of this Act, any building whatever used for the storage and sale by wholesale only of merchandize and effects, notwithstanding any matter, thing or enactment contrary thereto in the said Act, Section or By-laws contained; but nothing herein contained shall be considered to affect in any manner any judgment or decision rendered or contract entered into prior to the passing of this Act.

Proviso.

29. 30. V. 57. S. 14. No such contract allowed hereafter.

37. Hereafter the Council shall not have power to make any contract for the supply of water to be furnished to any brewery, distillery, tannery or other buildings mentioned in subsection twenty-seven of the said section thirty-six, for manufacturing purposes, or for work-hops or industrial establishments, for a longer period than five years.

RESPECTING THE FINANCES OF THE CITY.

Fiscal year.

39. The fiscal year shall commence on the first day of May and shall end on the thirtieth day of April in each calendar year, both days inclusive, and the assessments, rates, taxes and duties imposed and levied each year shall be held and considered as being for that period:

Appropriation to be made to meet such expenditure.

2. It shall be the duty of the council of the said city to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the year, then next by providing—

a. For the payment of the interest, and sums required for the sinking fund on all the debt due by the said city;

b. For the general and ordinary expenses of the city;

c. For the sums required for contemplated improvements for which no special assessment is required;

d. For a reserve of not less than five per centum to meet unforeseen expenditure;

3. Such appropriation shall never exceed the amount of the receipts from the preceeding year, added to the balance of the said receipts which shall not have been expended; Amount not to be exceeded.

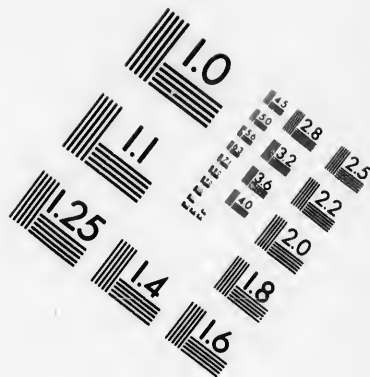
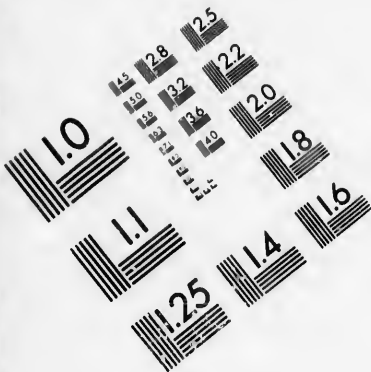
4. It shall not be lawful for the said council to expend beyond the amount so appropriated, and the amount of the other sums at their disposal, out of the receipts of the current year, except in cases and under the conditions hereinafter set forth, but the council may, by a vote of two-thirds of their number, at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure; Appropriation not to be exceeded. Exception.

5. The corporation shall, nevertheless, have power to issue new bonds for the purpose of meeting or paying off an equal amount of bonded indebtedness falling due at any time, subtracting therefrom the proportion of the sinking fund applicable to such maturing bond but not in any way to increase the amount of their debt; provided that any new bond so to be issued shall express on the face of it, that it is so issued for the purpose of renewing or meeting the amount of some other bond to be designated on such new bond to be so issued; New bonds may be issued to pay those falling due. proviso.

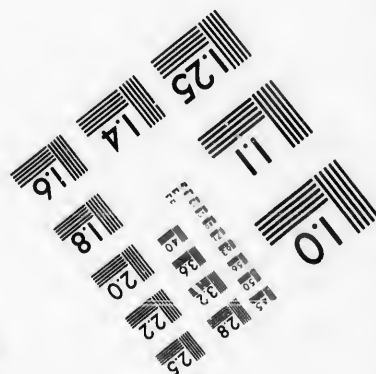
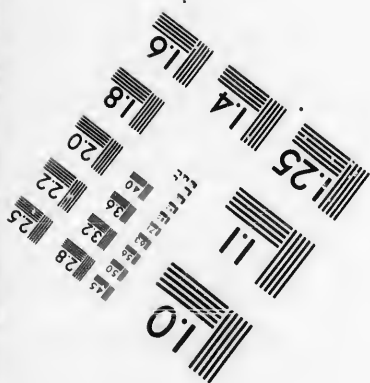
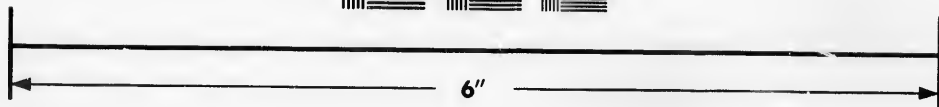
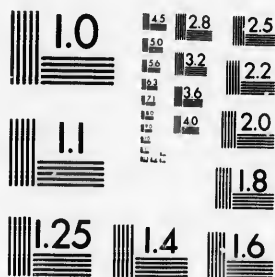
6. In cases of urgent necessity, the said council may, by a majority composed of at least two thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said city; Provision for urgent cases.

7. No debt contracted by the said body corporate, beyond the amount of the receipts from the preceeding year added to the balance of former receipts, which shall not have been expended, shall be recoverable from the said body corporate, but the same may be recovered from the member or members of the corporation personally, who authorized the incurring of the said debt; Excess recoverable from council, not from the city.





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

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- Liability of Treasurer. 8. If the City Treasurer or other person pay any such debt out of the funds of the corporation, he shall be personally liable to repay the same into the funds of the corporation ;
- Who may sue the members of the Council on such liability. 9 Any Elector of the said body corporate may take proceedings in the Superior Court sitting at Quebec, to recover the amount for which the Mayor, Members of Council, or Treasurer, or other person referred to in the foregoing subsections shall be liable, and the said Court shall, if the facts be proved, pronounce judgement ordering the amount for which such Mayor, Member of Council, City Treasurer or other person is liable, to be paid over to the proper officer of the said body corporate to form part of the funds thereof, with costs, provided always that such proceedings shall not be taken before such Elector shall have deposited the sum of one hundred dollars with the Prothonotary to meet the costs should he fail in such suit ;
- Proviso.
- What members only responsible. 10. The mayor and members of the Council who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with subsections three, four and five of this section, shall alone be personally responsible therefor ;
- Sanctioning excess to be a misdemeanor. 11. The mayor and members of the Council who shall have sanctioned the expending of any sum of money beyond the amounts appropriated and the amount at their disposal in conformity with the last mentioned subsections of this section, and the officer who shall pay the same shall be guilty of misdemeanor ;
- Treasurer only to pay monies. 12. The city treasurer shall alone have the right to make payments in the name of the corporation, but he shall only do so upon a written order of the council, signed by three or more of its members and countersigned by the city clerk, or in virtue of a judgment or order of a court of justice, or in any case in which such payment is formally enjoined by some express provision of law ;
- J. P's. not to order payments. 13. No Justice of the Peace shall have the right to order payments out of the funds of the corporation ;
- Bonds for floating debt mentioned in schedule L. 14. For the purpose of meeting the floating and other debt, in Schedule L to this Act annexed, and for no other purpose whatever, it shall be lawful for the said corporation to issue bonds payable in currency in this Province, in such sums, not less than four hundred dollars each as shall be thought expedient, but so as that the whole amount of such bonds shall not exceed four hundred and fifty thousand

dollars; Such bonds shall be payable in five years after the date thereof and bear interest at a rate not exceeding seven per cent per annum; the holders thereof shall have the same remedy and the like recourse for the recovery of the interest thereon as is in this Act provided with reference to the bonds mentioned in schedule L;

Conditions of
Remedy for.

15. Such bonds or the proceeds of such bonds shall be applicable to no other purpose whatever than to pay off an amount equal to the face thereof of such floating debt; and any person engaged in or authorizing the issuing of such bonds, or applying the same or the proceeds of any part thereof to any other purpose whatever, shall be liable, both civilly and criminally, in the same way and to the like extent as is now provided with reference to the expenditure of money by the Mayor and members of the Council in excess of the appropriations provided for by law, and as is now provided in the present section of this Act; such bonds shall express on the face of them the total amount of the loan and the Act under which and the purpose for which they were issued;

Proceeds not to
be applied to
any other pur-
pose, &c.

16. The corporation may demand the presentation of every debenture the capital of which is due, by giving notice in the *Cena la Gazette* and in an English and French newspapers published in the city of Quebec, during six months consecutively, after which time the Corporation shall not be obliged to pay the interest which would otherwise become due on such debenture;

Corporation
may call in
debentures
due.

17. Nothing in this Act contained shall affect or be construed to do away with, lessen, or impair the obligation of the corporation and the various officers and servants thereof to provide for and maintain the Sinking Fund, for the payment of its debts as now by law provided, but on the contrary all the provisions of law now existing shall remain in as full force, virtue and effect, and as obligatory as if this Act had never been passed;

Sinking Fund,
provisions not
affected.

18. It shall be the duty of the City Treasurer before the first day of October in each year to take out of the annual revenue of the city, after the payment of interest on all its bonds, before any other appropriation, a sum equal to two per centum on the amount of the consolidated debt at such period; the said sum of two per centum shall be added each year to the sinking fund of the consolidated debt, with the interest of such fund, which fund shall be applied to the purchase of debentures of the Provincial Government, or in stock of chartered banks of this Province, or of corporations

Sum to be
added yearly
to the Sinking
Fund by the
Treasurer.

Investment
thereof.

of this Province, or in redemption of the existing debentures of the corporation by the purchase thereof, but the power of the corporation to issue other debentures or increase its debt, shall not in any way be increased in consequence of this provision;

Penalty for default.

19. If the City Treasurer shall fail or omit to do any of the things prescribed to be done by him in the seven clauses immediately preceding, he shall be liable to a fine of six hundred dollars currency;

Hypothec for water works debentures.

20. Holders of water works debentures have the first mortgage or hypothec upon the said water works and everything connected therewith, for the repayment of the capital and interest of such debentures; this hypothec does not require to be enregistered;

Act not to affect order of priority of holders of debentures.

21. Nothing in this Act contained shall impair, affect or restrict the rights, privilege or priority of the holder of any debentures already issued either for the construction of the water works or for any other special or general purpose, in respect of any priority, privilege or security they may at present hold or which is given to them by the several Acts under which such debentures may have been issued, but on the contrary, the holders of all such debentures shall continue to hold, possess and exercise all the privileges, rights and priorities which they were possessed of or which they might have exercised without this Act had been passed, and the special facilities and powers herein conferred on the creditors are and shall be held to be cumulative, and in addition to any right which they might now exercise, either in respect of the revenues of the water works or otherwise;

For what payments only coupons may be received.

22. The City Treasurer shall not receive any debentures of which the payment is due, or any coupons for interest due on such debentures in payment of any amount due to the city, for any object or purposes whatsoever, excepting as in the next subsection provided;

The said purposes defined.

23. But the City Treasurer may receive water works debentures of which the payment is due, or coupons for interest due on the debentures, in payment of amounts due to the city as aforesaid, and the holder of these debentures in making such payment, shall inscribe his name upon the said debentures, and indicate the day, month and year in which payment took place, and credit shall be given to the

said Treasurer in his account with the corporation, for the interest so paid by him upon the said debentures, up to the day so indicated ;

24. The estimates of the expenditure and requirements of the public service for the then next fiscal year, shall be submitted to the Council, by the several standing committees no later than the fifteenth day of February in each year, and shall be referred without delay to the Finance Committee ;

25. The Finance Committee, after having examined them conjointly with the resources of the Corporation, shall turn them to the Council and suggest the ways and means ;

26. The ways and means shall be voted before the appropriations ;

27. The appropriations shall be specific and shall be divided into categories or chapters ;

28. The salaries of the officers both of the Corporation and of the Water Works shall form one division of the budget, and the names of those officers with their titles and salaries respectively shall be entered upon one list ;

29. The office contingencies of the different departments shall form one division of the general budget, and the City Clerk shall, after they have been voted, distribute them under the direction of the Mayor, to each office as they may require them ;

These contingencies shall include advertisements, printing, stationery, and all office necessities ;

30. The standing or select committees of the Corporation shall not hereafter order or cause work to be done, nor expend money, nor take any initiative involving the expenditure of money ;

31. The duties of the committees shall simply consist in ascertaining and making known to the Council the requirements of the civic service ;

32. The Finance Committee shall have the management of the finances and of the accounts, and no sums of money except in cases with respect to which other provision is made by law, shall be paid without the signatures of the Mayor, the Chairman and another member of the committee ;

Votes of mayor, &c. 33. The Mayor may take part in the discussions and vote in all committees of the Council, and the Chairman shall only have a casting vote in the case of an equal division ;

Accounts. 34. The accounts, both of the Corporation and the Water Works, shall be directly under the control of the Treasurer of the City, who shall nevertheless keep distinct accounts of the revenue and expenditure of the two departments for the purposes specified in the law ;

Cheques, &c. 35. No debenture or cheque shall be payable or valid until it has received the signature of the Mayor and the Treasurer ;

Deposits. 36. The Treasurer shall deposit the money of the Corporation in one or more of the chartered banks of the said city ;

Recovering from officers money unlawfully expended by them. 37. It shall be the duty of the Mayor to sue in the name of the Corporation, for the recovery of all sums of money belonging to the Corporation unlawfully expended by any officer thereof, and which the corporation shall have been obliged to pay by reason of any contract, promise or engagement, or written or verbal order, and the recovery of any such sum of money shall be sued for against the officer or employee who shall have so unlawfully expended it or caused it to be expended."

PENAL CLAUSES.

20, 30, V. C. 57. Fines and penalties under this Act, how recoverable. 40. Every fine and penalty imposed by this Act, for the punishment of any offence committed against its provisions or of any by-law in force, or which shall be in force in the said city, shall (unless it be otherwise expressly provided by this Act,) be sued for before the said Recorder's Court, and heard and decided in a summary manner, in conformity with the law regulating the said Court, and enforced by the payment of the fine and costs, or in default of payment, by the imprisonment of the defendant for a period not exceeding two months, in the discretion of the said Court unless the fine and costs, together with the costs of imprisonment, be sooner paid, notwithstanding anything to the contrary in the said by-laws ;"

Enforcing payment.

Council not to remit fines without approval of Recorder.

" And no such fine, after conviction or judgment, shall be remitted in whole or in part by the said Council, except with the approval of the Recorder of the said city, given to any application made to the Council by a defendant for the remission of the fine and costs to which he may have been condemned by the said Recorder's Court."

2. But in all cases in which a fine has been incurred by a corporation, association or society recognized by law, such fine and costs shall be levied by the seizure and sale of the goods and effects of the said corporation, association or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters;

If the offender be a corporation, society, &c.

3. 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 against the provisions of any by-law of the said council, may be sued alone or conjointly in the said Recorder's Court, as may be deemed advisable, as also the agent or agents of the said joint owners or occupiers, or any one of them; and in the suit to be instituted, it shall be sufficient to mention the name of one of the owners, occupiers or agents, with the addition of the words "and others," and the oral testimony of such ownership or occupancy, whether sole or joint, or of such agency shall be deemed sufficient; any law, usage or custom, to the contrary notwithstanding;

Liability of joint owners, &c., in certain cases.

4. And the said corporation, or any municipal elector may institute any proceedings for that purpose in the name of *The Corporation of the City of Quebec*, as provided in the next subsection;

Who may bring the suit.

5. All actions instituted by the corporation in virtue of the present Act or any other Act relating to the said City of Quebec, or of any by-law, rule, order or regulation in force in the said city, shall, when the fine and penalty belongs to the corporation, be brought in the Recorder's Court of the City of Quebec and not elsewhere, in the name of *The Corporation of the City of Quebec*;

Suits to be in the name of the City.

6. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any statute, now or hereafter to be in force, shall belong to and form part of the general funds of the said city; any law to the contrary notwithstanding;

Application of proceeds.

7. To the council alone shall appertain the right of remitting the whole or part of any fine belonging to the said city, as well as of the costs of the suit occasioned by the prosecution for the said fine;

Council only may remit fines.

In what manner.

8. This remission shall be made, in each case, by a simple resolution adopted by the majority of the council, on a petition presented to the said council, for that purpose, by the persons asking for such remission, and not otherwise;

Penalty for infringing the last two clauses

9. The Mayor or any member of the said council who shall infringe the provisions of the two next preceding subsections, or any officer of the said council who shall receive any sum due to the said council, without the costs which shall have been incurred at the time of the payment of the said sum, shall incur a fine not exceeding twenty dollars for each offence, which shall be sued for and recovered before the said Recorder's Court, as hereinabove set forth;

Any other remission to be void.

10. Any remission of any fine, or of any sums or costs, in violation of the provisions of this section, shall be considered as null and of no effect, to all intents and purposes whatsoever;

Imprisonment—where.

11. Whenever in the present or any other Act relative to the said city, or in any by-law, rule or order as aforesaid, imprisonment is imposed, such imprisonment shall be understood to be in the common gaol of the district of Quebec;

False swearing; perjury.

12. Any person who shall wilfully swear falsely with respect to any oath prescribed by this Act, shall be guilty of perjury, and shall be liable to the pains and penalties of wilful and corrupt perjury;

Jurisdiction of Recorder and his court in certain matters.

13. The said Recorder's Court and the said Recorder, with respect to all civil actions, matters and proceedings within the jurisdiction of the said Court, shall as regards actions *en garantie*, incidental demands or demands in intervention, or any exception, defence or incident whatsoever during the suit, and as regards opposition under any form whatsoever to the execution of a judgment of the said Court, and other matters and things relating to the said judgment, have all and every the powers and authority which would be enjoyed in such cases by the Superior or Circuit Court of Lower Canada, and the judges of the said Courts, if such actions, matters or proceedings had been instituted or brought before the said Superior or Circuit Court instead of before the said Recorder's Court.

By-laws presumed to have been properly passed, &c.

14. In any action, proceeding or complaint by the said corporation, it shall not be necessary to allege or to prove that the formalities required for the passing of a by-law have been observed, nor that any by-law has been transmitted to the Governor, but the observance of the said formalities, and the said transmission shall be presumed until proof to the contrary be shewn.

15. The said Council may acquire or lease beyond the limits of the city, such grounds or places as they deem expedient for the deposit of rubbish and filth, and may, by by-law, compel the inhabitants of the city to remove to and deposit at such places, all rubbish and filth ordered by any by-law to be removed from the premises of any such inhabitants respectively.

23, 30, V. C. 57.
Deposit of
filth outside
the city.

RECORDER'S COURT.

41. Any suit or action that could before the passing of the present Act, be brought by one of the Revenue Inspectors, under sections thirty-six and thirty-seven of chapter six of the Consolidated Statutes for Lower Canada, may hereafter be instituted in the name of the said Corporation, or of any police constable of the said City, before the said Recorder's Court; and proceedings shall be had in such suit, in accordance with the law regulating the said Court.

Actions under 14, 15 V., C. 100, S. 42, may be brought before Recorder's Court.

42. The said Recorder's Court shall have exclusive jurisdiction and shall hear and decide summarily and in accordance with the law regulating the said Court in the matter of any offence committed against the provisions of this Act or the by-laws now in force or which shall hereafter be in force in the said City:

Exclusive jurisdiction in certain cases.

2. In all cases of offences against the provisions of the present Act, the said Recorder's Court may summon the offender from any place within any of the districts of Quebec, Beauce and Montmagny, to appear before the said Court, or may issue a warrant against him to bring him before the said Court and the provisions of this section are extended to offences committed against the by-laws of the said city now in force, or which hereafter shall be in force.

From what places offender may be summoned.

43. Every writ of execution issued from the said Recorder's Court, against the goods and moveable effects of a defendant, may be executed in any district of Lower Canada, and shall be addressed, when the defendant or his goods are not within the district of Quebec, to the Sheriff of the district in which the defendant or his said goods may be; otherwise the said writ shall be addressed to any bailiff of the Superior Court or of the said Recorder's Court, who shall proceed thereupon as in cases of executions issued from the courts of original civil jurisdiction:

Writs of execution.

2. No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered;

When execution may issue.

Return of
such writ.
19 sec. 31 V.
C. 33.

3. The said writ shall be returnable into the said Court on the day fixed by such writ, or on any other day on which the said Court shall direct the Sheriff or Bailiff having such writ to make such return; and any refusal or neglect to make such return as prescribed by this section, shall be punished as a contempt of Court in the manner prescribed by section sixteen of the Act twenty-fourth Victoria, chapter twenty-six. No appeal or writ of certiorari shall lie or be taken from any decision given in the said recorder's court, in any civil case before the said court, to any other court in this province, any law to the contrary notwithstanding.

19 sec. 31. v. c.
33.
No certiorari
allowed.

Verbal com-
plaint suffi-
cient in case
of arrest on
view.

41. In all cases where a person shall be arrested on view by a police constable of the said city, for an offence against the provisions of this Act or of the Act chapter one hundred and two of the Consolidated Statutes of Lower Canada, or of any Act amending the said chapter one hundred and two, or of any by-law now in force or which shall be in force in the said city, it shall not be necessary that the complaint be reduced to writing; but a verbal complaint under oath made before the said Recorder's Court by the constable who shall have arrested such person, shall be deemed a sufficient complaint:

May be re-
duced to
writing.

2. If such person demand that the complaint be reduced to writing, the said Court shall direct the Clerk of the said Court to reduce the said complaint to writing.

Clerk to con-
duct cases,

45. The Clerk of the said Recorder's Court shall conduct before the said Court all actions instituted in the name of the Corporation, except in cases where the said Corporation shall deem it expedient to appoint an attorney or to associate him with counsel.

What record
of convictions
shall suffice.

46. The said Clerk shall keep a record of all convictions pronounced by the said Recorder's Court; setting forth the names of the defendants, the nature and date of the offence, the date of the conviction, the amount of the fine or other penalty imposed; and such record shall suffice, notwithstanding any law or usage to the contrary:

Death of
Clerk.

2. In the event of the death of the said clerk, the deputy clerk shall continue to act as such, until another clerk shall have been appointed by the Council.

Clerk to be
subject to
Court.

47. The said clerk shall be governed at all times by the orders he may receive from the Recorder or from the said Recorder's Court, as to the management, administration, keeping and arrangement of the office of the Court, and shall

be under the exclusive control of the said Recorder as to all matters relating to his office; the said Recorder may suspend the said clerk from his functions, and report such suspension to the Mayor of the city; such suspension shall not take place except for a violation by the said clerk of the duties and obligations imposed on him by the law; and during such suspension the deputy clerk shall discharge the duties of the said clerk: ^{Suspension of Clerk.}

2. The Mayor shall communicate the Report of the Recorder to the Council, who may dismiss the said clerk; ^{Report to Council.}

3. The said clerk and his deputy shall take an oath of office before the said Recorder's Court; and the said oath shall be inscribed on the back or other part of the document appointing such clerk or deputy clerk; ^{Oath of office of clerk and deputy.}

4. Any affidavit or deposition under oath required in civil matters in any cause, action or process before the said Recorder's Court or to be submitted to the said Court, may be made before the said clerk or his deputy; and if any oath taken in pursuance of this provision be false to the knowledge of the party taking such oath, such party shall be punished in accordance with the law against perjury. ^{Taking depositions, &c.}

48. If in a complaint or summons made for an offence within the jurisdiction of the said Recorder's Court, the prosecutor negatives any exemption, exception, proviso or condition in the statute or by-law on which such complaint or summons is founded, it shall not be necessary for the prosecutor to prove such negative; but the defendant must prove that his case is covered by or falls within the scope of such exemption, exception, proviso or condition, in his defence, if he would take advantage of the same. ^{Prosecutor denying any exemption, &c.}

49. The said Recorder's Court shall have power to make a tariff of the costs and fees to be demanded and levied by the Clerk, the Bailiffs and other officers of the said Court, and may repeal, alter and amend such tariff; but the said tariff and the amendments thereto shall not be binding until the same shall have been approved by the Governor in Council. ^{Tariff of fees may be made. Subject to approval of Governor in Council.}

50. In all cases where an action for the recovery of a fine or penalty shall be instituted before the said Recorder's Court, at the instance of the said Corporation, on the information of any person whomsoever, or in the name of any such person, if the action is dismissed, the said Court may in its discretion condemn the said person to pay the costs and charges incurred by the adverse party in such action, ^{Execution against prosecutor or informer for non-payment of costs, in certain cases where the suit is dismissed.}

and in default of payment, may direct the levying of such costs by a writ of seizure and execution against goods and chattels as in civil matters.

Amendment of errors in summons, &c.

51. In all cases where in any summons or process in civil or penal matters there shall be variance between the allegation and the proof relative to the christian or surname, the addition, description, or residence of any party mentioned in such summons or process, or to any other fact alleged in such summons or process, the said Court may at any stage of the case, before, during or after the *enquête*, or before judgment or conviction, or at the request of an interested party, direct the amending of such process or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the summons or process so amended, if the party require it for the ends of justice.

Warrant to arrest minors abandoning their homes.

52. The said Recorder or the said Recorder's Court, on the complaint made under oath of any father, mother, tutor or guardian of any minor child of either sex, that such minor has without reasonable cause, abandoned or left the domicile of his or her father, mother, guardian or other person entrusted with the care or keeping of such minor, and that such child is concealed or living in any place whatsoever within the District of Quebec, may cause to issue from the said Court a warrant for the arrest of the said minor, and directing that he or she be brought before the said Court, and the said Court after hearing the parties or their attorneys, shall, if it deem it just, order the said minor to return to the domicile of such father, mother, tutor, guardian or other person aforesaid; the said warrant may be addressed to the Sheriff of the District, or to a Bailiff of the Superior Court or of the said Recorder's Court:

To whom to be addressed.

Receiving females under age into houses of ill-fame, &c.

2. Any master or mistress, or any person being master or mistress of a house of prostitution, house of ill-fame, disorderly house, or house reputed to be so, who shall receive, lodge, keep, or conceal, or who shall detain by compulsion in any such house, a minor female child, or who shall incite or induce in any manner or by any means whatsoever, a female minor to abandon or leave the dwelling of her father, mother, tutor, guardian or other person having the care or charge of such minor, and to live, reside or stay in a house of prostitution, house of ill fame, disorderly house or house reputed to be so; or

Or inviting them to enter the same.

3. Any person who shall invite or induce in any manner or by any means whatsoever a female minor to commit any of the acts mentioned in the present section, may on complaint under oath before the said Recorder's Court, by the

father, mother, tutor, guardian, or person having the care or management of such minor, or of any relative or friend of such minor, be arrested and brought before the said Recorder's Court, and on summary conviction of the offence before the said Court, shall be condemned to pay a fine not exceeding two hundred dollars, or to imprisonment for a period not exceeding six months, or to both fine and imprisonment, in the discretion of the said Court. Penalty.

53. Any warrant of commitment after judgment, issued from or by the said Court, may be executed in any judicial district of Lower Canada, by the Sheriff of the district in which the person against whom such warrant shall have been issued may be or be found; and in such case, the Sheriff to whom such warrant is addressed, shall, without delay, make a return to the said Court of every thing done by him in execution of such warrant, and any delay on his part shall constitute a contempt of the said Court, and shall be punished accordingly. Warrant of commitment to be executed in any district.

54. In all cases, where a defendant shall have been condemned to imprisonment, or to imprisonment in default of payment of the fine imposed and of the costs, under different convictions, each additional period of imprisonment shall commence only at the expiration of a preceeding period of imprisonment. Imprisonment under more than one conviction.

SALE OF LIQUORS.

55. Every person licensed or not licensed to sell in the said city, spirituous liquors, wine, beer or temperance liquors, shall close the house or building in which such person sells or causes to be sold such spirituous liquors, wine, beer or temperance liquors, from twelve o'clock in the night of each Saturday until six o'clock in the morning of the following Monday; and during that period of time, no such person shall sell or cause to be sold in such house or building or any other place, any spirituous liquor, wine, beer or temperance liquors, under pain of a fine not exceeding one hundred dollars, and in default of payment, of an imprisonment not exceeding two months. Closing taverns from Saturday night to Monday morning.

MISCELLANEOUS PROVISIONS.

56. This act shall not be held to have relieved the said corporation of Quebec, or any person or persons now, or heretofore members of the council thereof, from any liability which they may have incurred for any violation of the 31, V. C. 33. This act act to affect liabilities incurred under previous acts.

laws incorporating the said city, or amendments to the same, or any omission to comply with the requirements of the said laws, but all remedies which may have existed at the time of the passing of this act respecting such violations and omissions shall remain in force as if this act had not been passed.

Prescription extended to 5 years **57.** The prescription in relation to all assessments, taxes and water rates, is extended to five years.

Drainage tax declared legal. **58.** And whereas doubts have arisen respecting the legality of the drainage tax, imposed by the treasurer of the said city, in conformity with the act twenty-ninth and thirtieth Victoria chapter fifty-seven, as also respecting the meaning of article two of the by-law of the said council, dated the twenty-seventh April eighteen hundred and sixty-six, it is hereby declared and enacted that the said drainage tax has been legally imposed; and that article two of the by-law above cited meant and means that the said council do here to impose and did impose the tax of seven dollars and fifty cents mentioned in the said article over and above the other taxes imposed by the said by-law on every hundred dollars; provided that nothing herein contained shall affect the decision of any suit now pending or decided.

Art. 2 of by-law of 27 April, '66, explained. **59.** If the day on which any thing is to be done in conformity with this act is a non-judicial day, such thing may be done with equal effect on the next judicial day thereafter.

Proviso: as to suits pending.

33, Vic. c. 46. Non judicial days. **60.** All formalities prescribed by law, with reference to any matter or thing required to be done by the council of the said city, or by its officers, or by the assessors of the said city, or by any of them, shall be presumed to have been done and executed until proof to the contrary.

Formalities presumed to have been complied with. **61.** Any assessment book, or roll appearing to be an assessment book or roll of the said city, or of one of the wards thereof for a given year, and produced before a court of justice, until proof to the contrary, shall be presumed to be an assessment book or roll of the said city or of such ward thereof for the said year.

Assessment book. **62.** The recorder's court may use its discretion in awarding or withholding costs or ordering each party to pay his own costs.

Costs in Recorder's Court.

63. The clerk of the recorder's court or his deputy shall discharge all and singular the duties imposed by the third section of the one hundred and eleventh chapter of the consolidated statutes for Lower Canada, in so far as the said chapter may apply to the said recorder's court. Clerk of the Recorder's Court.

64. Whenever three-fourths of the proprietors or occupants of any street of the city or any portion thereof in extent not less than one hundred yards, shall express to the corporation in writing their desire to plank, macadamize or otherwise repair the said street or portion thereof, as the case may be, and offer to furnish at their costs and charges the necessary material for such planking, macadamizing or repairs, it shall be lawful for the corporation to order such planking, macadamizing or repairs to be effected, on the proprietors or occupants aforesaid furnishing and delivering on the spot at their costs and charges, the said materials necessary for the same, and in such case the whole of the proprietors or occupants aforesaid fronting the said street or portion thereof as aforesaid shall respectively be held and bound to furnish and deliver on the spot their proportion of the said materials, and in default of any such proprietor or proprietors, occupant or occupants within six days after notice in writing to that effect served on him or them by the City Surveyor, to furnish and deliver on the spot his or their proportion of the materials aforesaid, it shall be competent to the said superintendent of works to cause the same, for the purposes aforesaid, to be purchased and delivered on the spot aforesaid, at the costs and charges of such proprietor or proprietors, occupant or occupants who may have made default as aforesaid, and which said costs and charges shall be recovered from such proprietor or proprietors, occupant or occupants by action of debt instituted in the name of the corporation, in the recorder's court together with the costs of such action. And in case where the occupant by lease or agreement is not bound to pay such charges, he shall be entitled to recover the amount of such sum as may have been expended by him for the purposes aforesaid, or if such said judgment rendered against him and costs, from the proprietor or other person bound by such lease or agreement or by law to pay the same, by an action brought to that effect before the said court. Three-fourths of the proprietors of a street may obtain the planking thereof.

65. The letting of the stalls of the divers market halls of the said city shall be effected by notarial deeds; the lessee shall furnish to the satisfaction of the mayor of the said city two solvent securities not lessees of stalls. Stalls to be let by notarial leases.

When possession of stall given.

1. The possession of a stall shall not be given to a lessee until the said securities are furnished and the lease signed by the mayor.

Corporation may eject stall lessees in certain cases.

66. If for one or more of the causes which give the lessor a legal right to demand the rescission of the lease or the ejection of the lessee, before the expiration of the lease, it becomes necessary that the corporation do bring an action against the lessee of a stall as aforesaid or the purchaser or last bidder of the cattle stand or of the revenues of any of the markets of the said city, this action may be brought before the recorder's court, as well as before the recorder of the said city, who shall have and possess so far as this action is concerned, all, each and every the powers and jurisdiction which the law gives in this respect to the superior court or to the circuit court or to the judges thereof.

34. V. C. 35. Corporation may complain of any entry in assessment books after notice given.

67. Whenever the corporation shall consider itself aggrieved by an entry made in any of the assessment or valuation books of the said city, it will be competent for the city treasurer, in the name of the said corporation, to complain of any such entry, in the manner and at the time prescribed by the first subsection of the twenty first section of this act and the said corporation shall be bound to give eight days notice to the person affected by such entry.

Recorder's court may make certain corrections in said books on demand by city treasurer.

2. The said recorder's court may also at any time, on demand brought before it by the city treasurer, correct any error and supply any omission whatsoever, as to the right of property, possession or occupation of any immovable property within the said city, or as to the name, quality, or domicile of any person subjected to any assessment or tax whatsoever, which now or hereafter may exist in any assessment book for any specified year, in conforming to the procedure as laid down in the twenty first section of this act.

Decision of recorder's court in such matters to be final.

3. The decision or judgment of the said court on all matters of revision or correction of the said assessment books shall be final and without appeal.

Interest payable on sums remaining due corporation after 1st Nov.

68. Interest at the rate of six per cent, shall be payable on all sums exigible by the corporation and not paid before the first day of November of each and every year, which interest shall be computed from the said first day of November until payment is fully made.

69. That in all cases of separation as to property between husband and wife stipulated by marriage contract or existing by virtue of a judgment of a court of justice, whether such separation took place before or since the passing of the present act, in each and every case it will suffice to enter the name of the husband or that of the wife on the roll of assessments of the city of Quebec for the assessments, rates, taxes and personal taxes, and the water rates to be imposed on the movable or immovable property belonging to the wife so separated as to property, and all judgments so rendered against the husband alone may be levied against the movable or immovable property of the wife, without the latter having a right to stay the execution of the judgment by any opposition based solely on the fact of such separation.

Judgments against a husband may be executed against his wife separated as to property.

70. If any person, other than the proprietor occupy a property exempt from assessments or taxes, the corporation may impose upon the said person an amount of assessments and taxes equal to the half of that which the corporation could impose upon the said property, if the same were leviable, and it shall also have the right to collect from the said person water rates to which like immovable property in the city of Quebec is hable.

Half tax imposable on tenants of property exempt from taxation.

71. In non-commercial partnerships any personal tax imposed on persons exercising any profession or trade in the said city shall be payable by each such person individually, notwithstanding the fact that he exercises such profession or trade in partnership with others.

Personal taxes on partnerships payable by each partner.

72. Any person who shall refuse to reply to the questions which are put to him by any assessor in the discharge of the duties imposed upon him by law, or who shall give information to the said assessor which he knows to be false, or who shall verbally insult or slander or strike such assessor, or who shall refuse to allow any such assessor, in the discharge of his said duties, to enter in and upon his property or the localities occupied by him, shall incur for each such offence a penalty not exceeding forty dollars, which shall be recovered, according to law, before the recorder's court of the said city.

Protection of assessors.

73. The corporation may if it is deemed advantageous exempt either in part or altogether for a period not exceeding ten years, from municipal rates or taxes, individuals or corporate companies who shall establish manufacturing establishments within the city. The corporation shall not be obliged to act uniformly, but shall, if deemed proper, decide each case on its own particular merits.

Corporation may exempt from taxes persons establishing manufactures in Quebec.

CONSOLIDATED FUND.

Quebec consolidated fund established.

Fund divided into classes.

71. A consolidated fund is hereby established for the city of Quebec to be known as "the city of Quebec consolidated fund," which shall consist of stock or shares and debentures of not less than one hundred dollars each, which the corporation of the said city may dispose of from time to time, as opportunity offers, to an amount not exceeding two million five hundred thousand dollars, current money of this province; and the said stock, shares and debentures shall form three classes, under letters A, B, C, to be composed as follows:

Class A.

1. Class A shall comprise the stock or shares to be known as the "Quebec water works stock," to the amount of one million of dollars, current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of the water works of the said city, and shall be secured by special mortgage and privilege and without the formality of registration at the registry office, on the real estate, buildings, machinery, apparatus, mechanism and works generally in connection with the water works department.

Class B.

2. Class B, shall comprise the stock or shares to be known as "the Quebec public property stock," to the amount of five hundred thousand dollars, current money of this province, which shall be applied towards the paying off and extinction of the debt incurred for, and in respect of public property in the said city, and shall be secured by special mortgage and privilege and without the formality of registration at the registry office, upon the public markets, fire and police stations, fire alarm telegraph, including the land in connection therewith, the wharves and public squares belonging to the said city.

Class C.

3. Class C. As the present sinking fund on the city debentures, "old issue," "new issue" "Champlain and St. Ours streets widening," "fire alarm telegraph" will not be sufficient to meet the amount of these debentures at maturity, it shall be lawful for the said corporation of the city of Quebec to issue debentures to be known as "the city of Quebec terminable debentures" to the amount of one million dollars, not less than one hundred dollars each, the proceeds of which shall be applied to the payment of the debentures falling due and not otherwise. The said debentures to have the same guarantee as those which they are to replace and to be redeemable in ten years, and the said council shall have power to renew the same for the

same number of years or to issue new debentures for the same period.

75. The shares or stock comprised in the two classes to wit: "the Quebec water works stock" and "the Quebec public property stock" shall be permanent in perpetuity and irredeemable; and upon shares, stock and debentures of the three classes above mentioned, forming "the Quebec consolidated fund" there shall be paid by the Treasurer of the said city to each of the subscribers to the said consolidated fund, at the office of the said treasurer, at the city hall, in the said city, interest at the rate of not exceeding seven per cent each year semi-annually, on the first day of January and on the first day of July.

The shares in A & B shall be permanent.

76. Any person who shall subscribe for or purchase one or more shares in the said consolidated stock shall receive from the treasurer of the said city a certificate to that effect to be signed by the mayor of the said city and countersigned by the treasurer and sealed with the seal of the said city; which said certificate may be in the form of schedules No. 1 and No. 2 (as the case may be), appended to the present act.

35 Vic. C. 33. Certificate to be given to purchasers of shares.

77. It shall be lawful for the said corporation to negotiate the said stock, shares or debentures, either in this province or elsewhere, and if issued, payable in Great Britain in sums of not less than one hundred pounds sterling and to pay the interest on the same either in sterling money or in the current money of this province, and to meet in the same manner the terminable debentures of the Class C.

35 Vic. C. 33. Shares may be realized.

78. It shall be the duty of the city treasurer to register, in a book to be kept for that purpose, all shares, stock and debentures to be negotiated by virtue of the preceding sections as they are disposed of, and also the name of each individual, person, or firms of persons or corporations who may have subscribed to any amount of the said shares or stock or debentures; and when such subscriber or subscribers shall transfer or make over his or their said shares to a third party, such transfer or cession may be made in the form of schedules numbers three and four (as the case may be), appended to this act; and the same shall be entered and registered by the said treasurer in a distinct book or register to be kept for that purpose by the said treasurer, and to which access may be had by interested parties on demand; and such subscriber or transferer last enregistered, as hereinafter prescribed, shall be held to be *prima facie* the creditor of the amount of such shares, stock or debentures; and

Stock book.

Transfer books; which will be prima facie proof.

such shares, stock and debentures are and shall be transferable in the manner aforesaid.

Sinking fund for the extinction of debentures under class C.

Sinking fund how invested.

Duties imposed on treasurer by this section.

Corporation shall retain a sum equal to the amount of its bonds now in circulation, which it shall redeem.

79. Every year, on or before the first day of January, the city treasurer shall take from and out of the annual revenues and other funds of the said corporation, and before the payment of any appropriation whatsoever of the said revenues or funds, a sum of money equal to two per cent on the said sum of one million of dollars, current money of this province, which said sum of two per cent every year, the said treasurer shall keep apart from all other monies to be invested and applied solely and exclusively as a sinking fund towards the extinction of the debt created by the realisation of the debentures issued under this act, forming the class C, and known as "the city of Quebec terminable debentures" as hereinbefore provided; and the said treasurer shall invest the sum thus set apart as a sinking fund, in public securities, shares of chartered banks, bonds of the federal government of Canada or the local government of Quebec, and not otherwise, provided however the said treasurer may, if deemed advisable by the finance committee of the said corporation, pay off, from and out of the said sinking fund, any sum in deduction of the debt created by "the Quebec terminable debentures" towards the gradual extinction of such debt; and the said treasurer shall place before the city council at its first meeting in January in each year a certificate signed by himself, and countersigned by the said mayor, to the effect that he has faithfully fulfilled the obligations imposed upon him by the present section of this act, and in default of his so doing, the said city treasurer shall become and be liable to pay to the said corporation a fine of six hundred dollars, said currency, which said fine may be recovered in the same manner as all other fines imposed in and by the several statutes concerning the said corporation, and shall form part of the sinking fund aforesaid, and it shall be the duty of the auditors of the said city to submit to the said council annually a statement under oath showing whether the said treasurer has or has not fulfilled all the obligations imposed upon him by the present section.

80. The corporation of the said city shall at all times retain in their hand, from and out of "the Quebec consolidated fund," a sum equivalent to the amount of their bonds, securities or debentures, then in circulation and issued, in virtue of the several statutes concerning the said corporation, and it shall be held, with the said sum, to redeem the bonds or debentures in circulation at maturity or by agreement with the holders thereof, or to receive the same in exchange for shares, stock or debentures available in virtue of

the present act, on such terms and conditions as may be agreed upon, the said sum not to be employed for any other purpose.

INTERPRETATION—ACTS REPEALED, &C.—EXISTING RIGHTS
SAVED.

1. This Act shall not in any manner affect the powers ^{Trinity House.} and authority of the Trinity House of Quebec, but the said Council shall exercise exclusive jurisdiction over the whole limits mentioned in the third section of the present Act :

2. This Act shall not affect in any manner the rights of ^{The Queen.} Her Majesty, Her Heirs and Successors ;

3. Whenever the following words occur in this Act they ^{Interpretation.} shall be understood as meaning as follow :

4. The word "Governor" shall mean the ^{Governor.} Lieutenant Governor of the Province of Quebec or person administering the Government thereof.

5. The words "Council," "City Council," shall mean the ^{Council, City Council,} council of the corporation of the City of Quebec, unless the context necessarily or plainly indicates a different meaning ;

6. The words "Mayor," "Alderman," "Aldermen," "Coun- ^{Mayor, &c.} cillor," "Councillors," "Members of the Council," "Treasurer," "City Treasurer," "Clerk," "City Clerk," shall mean that the same are respectively the Mayor, Aldermen, Councillors, Members of the Council and the Treasurer and Clerk of the Corporation of the City of Quebec ;

7. The words "Corporation," "said Corporation," shall ^{Corporation.} mean the Corporation of the said City of Quebec ;

8. The words "Recorder's Court," shall mean the ^{Re-Recorder's} recorder's Court of the City of Quebec ; and the words "Re- ^{Court.} corder," "said Recorder," shall mean the Recorder of the City of Quebec ;

9. The word "Act," shall also mean and comprehend the ^{Act.} word Ordinance ;

10. The words "City," or "said City," mean the ^{City.} Corporation of the City of Quebec, in conformity with the provisions this Act ;

11. All words employed in the singular number, or in the ^{Singular num-} masculine gender only, shall mean one or more matters and ^{ber.}

Gender. things of the same kind, and one or more persons, men and women; and bodies corporate, as well as private individuals, unless the contrary shall be specially stated, or that the context plainly or necessarily conveys a different meaning; and the word "shall," shall be considered imperative, and the words "shall not," shall be prohibitory, and the word "may," shall be permissive;

"Shall" and "may."

Acts repealed. 12. The following Acts and Ordinances are hereby repealed, to wit: The fourth Victoria, chapter thirty-one; fourth Victoria, chapter thirty-five; eighth Victoria, chapter sixty; ninth Victoria, chapter twenty-two; tenth Victoria, chapter one hundred and thirteen; thirteenth and fourteenth Victoria, chapter one hundred and thirty-one; fourteenth and fifteenth Victoria, chapter one hundred and thirty; sixteenth Victoria, chapters one hundred and twenty-nine and two hundred and thirty-two; eighteenth Victoria, chapters thirty, thirty-one and one hundred and fifty-nine; nineteenth Victoria, chapter sixty-nine; twentieth Victoria, chapter one hundred and twenty-three; twenty-second Victoria, (1858), chapter thirty; twenty-second Victoria, (1859), chapters thirty and sixty-three; twenty-third Victoria, chapter sixty-eight; twenty-fifth Victoria, chapter forty-five; twenty-ninth Victoria, chapter fifty-seven; twenty ninth, thirtieth Victoria, chapter fifty-seven; thirty first Victoria, chapter thirty third; thirty-third Victoria, chapter forty-six; thirty fourth Victoria, chapter thirty-five and thirty fifth Victoria chapter thirty four.

4 V. c. 31.
4 V. c. 35.
8 V. c. 60.
9 V. c. 22.
10 V. c. 113.
13, 14 V. c. 131.
14, 15 V. c. 130.
15 V. c. 129.
232.
18 V. c. c. 30.
31. 159.
19 V. c. 69.
20 V. c. 123.
22 V. c. 30, 63.
23 V. c. 68.
25 V. c. 45.
29. V. c. 57.
29, 30, V. c. 57.
31. V. c. 33.
33. V. c. 46.
34. V. c. 35.
and 35 V. c. 34.

Saving clause as regards effect of such repeal. 13. The repeal of the Acts and Ordinances mentioned and recited in the next preceding subsection shall not be understood as affecting any matter or thing done, or required to be done, debentures, promissory notes, or obligations issued, or by-laws, rules or regulations made under and by virtue of the said Acts and Ordinances, but the said matters and things, debentures, promissory notes, obligations, By-laws, rules, regulations and orders, and the obligations of the Corporation, and every officer and servant in respect of the same, and the sinking fund to be provided, shall continue to be regulated by the said Acts and Ordinances in the preceding clause, until they shall be changed, altered, replaced or repealed, by any proceeding adopted in virtue of the present Act, in which case all such matters and things, debentures, promissory notes, obligations, rules, by-laws, regulations and orders, as the case may be, shall be regulated and controlled by the present Act;

Certain debentures, notes, &c., By-laws, &c., to remain in force. 14. Any matter or thing done, debentures, promissory notes and obligations issued, and all by-laws, rules or orders, now in force in the City of Quebec, and made in

conformity with the Acts incorporating or relating to the incorporation of the said city, shall continue, and do continue in full force and effect, to all intents and purposes, the same as if the present Act had never been passed, until they shall be legally altered, amended, replaced or repealed, as the case may be, in virtue of the present Act;

15. Nothing in this Act contained shall be construed to dissolve the corporation composed of the inhabitants of the City of Quebec as heretofore existing under different names; but the same shall be held and deemed to continue to exist by the name given to it in this Act, and subject to the provisions of this Act, being one and the same corporation with the corporation of the City of Quebec;

Corporation continued uninterruptedly.

16. All Acts and parts of Acts repealed by the Acts and Ordinances hereby repealed, and recited in the twelfth subsection of this section of this Act, shall be and remain repealed; and all Acts and parts of Acts and Ordinance inconsistent with the provisions of this Act shall be, and are hereby repealed.

Acts repealed by repealed acts, to remain repealed.

S2. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE No. 5.

VOTER'S OATH.

I swear that my name is (here insert or give the name, and that I am the person named in the copy of the voters list of electors for alderman (or councillor, as the case may be,) for (here name the ward) ward of the city of Quebec, for the municipal elections, which is now shown to me; that I am duly qualified; that I have not voted at this election in this ward; that I have not received, either directly or indirectly, any money, note, or promise, or reward for my vote; that I am not an officer or a servant of the corporation, or receiving any income or wages from the corporation, as such, and that I have not any subsisting contract with the corporation or interest in such contract at the present time, to disqualify me for voting; that my taxes, assessments, or rates have not been paid in whole or in part by any person to induce me to vote for any candidate at this election, and that I am twenty-one years of age: So help me God.

SCHEDULE A.

I.

Oath of allegiance to be taken by the Mayor, Aldermen and City Councillors:—

I, A, B., sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria (or reigning Sovereign) lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province as a dependency of the United Kingdom, and attached thereto, that I will defend Her to the last of my power against all conspiracies and treasons or designs whatever, that may be made against Her person, Her Crown and dignity, and that I shall use my utmost endeavors to disclose and make known to Her Majesty, Her Heirs and Successors, all conspiracies, treason or traitorous designs that I shall know to exist against Her, or any of them; All this I swear without equivocation, restriction or mental reservation whatever, and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary. So help me, God.

I, A, B., having been elected Mayor, (*Alderman or City Councillor, as the case may be.*) for the City of Quebec, solemnly and sincerely promise and 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 and possessed for my own use, of real estate, in the said City of Quebec, after the payment or deduction of my just debts, of the value of five hundred pounds currency, and that I have not fraudulently or collusively obtained the same, or a title to the same, to qualify me to be elected Mayor, (*Alderman or Councillor, as the case may be.*) So help me, God.

SCHEDULE B.

Oath to be taken by Poll-Clerk :

I, A, B., swear that I will faithfully, punctually and impartially, to the best of my ability, fulfil the duties of Poll-Clerk, at the election of an Alderman or Councillor *as the case may be*, for (———,) of this city, which election shall commence and be held on the (*name the day*). So help me, God.

SCHEDULE D.

I.

Oath of allegiance by the Assessors :—

(This oath the same as Schedule A)

II.

Qualification oath by Assessor :

I, A. B., having been appointed Assessor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of the said office to the best of my skill and ability, and that I am seized and possessed, for my own use, of real and personal property or both in the City of Quebec, after payment or deduction of my just debts, of the value of two hundred and fifty pounds currency; and that I have not obtained the same either fraudulently or collusively in order to qualify myself to be appointed Assessor. So help me, God.

SCHEDULE E.

I.

Oath of allegiance by the Auditor:—

(Same as Schedule A.)

II.

Qualification oath by Auditors :—

I, A. B., having been named Auditor for the City of Quebec, sincerely and solemnly swear that I will faithfully discharge the duties of that office, to the best of my skill and ability. So help me, God.

FORM G.

Public notice is hereby given that the Assessment Roll of the City of Quebec, for the _____ ward of the said City, (or the supplementary roll of Assessment for the ward of the city) is completed and is now deposited in the office of the undersigned, _____ All persons whose names appear therein as liable for the payment of an assessment, tax or

duty, are hereby required to pay the amount thereof to the undersigned at his said office, within ten days from this day, without further notice.

Sheriff or City Treasurer.

Quebec, (date).

FORM II.

CORPORATION OF QUEBEC.

CORPORATION OF QUEBEC.

Mr.

MR.

COPY OF ACCOUNT.

To the Corporation of the City of Quebec.

Notice Served, §

To Assessments, &c., or Water Rates, &c.

(Date of Notice.)

(Here State Account.) §

COSTS,

SIR,

Notice,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof, as below, in default whereof, execution will issue against your Goods and Chattels.

Quebec, (date)

Costs, (Signature.)

Notice,

City Treasurer,
(or Sheriff.)

FORM II.

Public notice is hereby given that on _____ next, the day of _____ instant (or next), the goods and chattels

of the parties hereinafter named and designated now under seizure for non-payment of assessments (or other dues, as the case may be) will be sold by public auction at the hour and places hereinafter mentioned, to wit:--

Names.	Amount.	Place of Sale. No. Street.	Hour of Sale.

Quebec (date).

(Signature)

Sheriff.

FORM J.

Province of Canada, }
 City and } In the Recorder's Court of the
 District of Quebec. } City of Quebec.

The Recorder of the City of Quebec.

Debt	\$		
Costs			
Warrant	\$		

To any Bailiff of the Recorder's Court of the City of Quebec, in the said City and District of Quebec.

Whereas, A. B., (*name and designation of debtor*.) hath been required by the Treasurer of the said City of Quebec, to pay into his hands for and on behalf of the said city, the sum of _____ being the amount due by him to the said city, as appears by the collection roll of the said city for the year 18____; and whereas the said A. B. hath neglected and refused to pay unto the said Treasurer, within the period prescribed by law, the said sum of _____; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges

of taking and keeping the said distress shall not be paid, that then you do on such day as shall be indicated to you by the said Treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the Treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk }
of the said Recorder's Court, at }
Quebec aforesaid, this } T. X.
day of } in the year of } Clerk, of the
Our Lord } Recorder's Court.

FORM K.

" I having been appointed Commissioner
" under the thirty-seventh section of the (*cite the Act*) do swear
" that I will faithfully, impartially, honestly, and diligently
" execute all the duties of the said office according to the
" best of my judgment and ability. So help me God."

SCHEDULE L.

STATEMENT of Amount due by the Corporation of the City of Quebec,
31st August, 1865, as floating debt, for which the issue of Bonds
was authorized by 29 Vic., ch. 57.

To Amount of Debentures authorized by Acts of Parliament to be issued :			
16 Victoria, Chap. 232	\$ 600000 00		
18 do do 31	200000 00		
22 do do 59	300000 00		
		\$1100000 00	
Amount issued according to Corporation Debenture Book, \$1154696 66.			
Over issue		\$ 54696 66	
Bills payable as per Bill Book	39920 05		
Capital of Ground Rent payable annually	11023 60		
Amount due Quebec Bank as per account	226441 00		
Amount of interest to the Municipal Loan Fund, 18 months, to 1st July last	6090 00		
Amount of Judgment rendered against Corporation for arrears of Jail and July Fund	4000 00		
Amount of interest due to Bondholders in Canada, 1st July 1865	14563 00		
			302027 65
WATER WORKS DEPARTMENT.			
To Amount of Water Works Bonds over issued as per schedule, (sec 29, vic. c. 29)		\$356724 31	
Amount of Bills payable as per Bill Book		16880 00	
To meet deficit for current year up to 1st January, 1866		9305 24	
		67090 34	
			\$150000 00

SCHEDULE No. 1.

City of Quebec Consolidated Fund.

Classes A or B

Permanent Stock.

C

City Hall, 18

Certificate No.

Quebec,

This is to certify that

of
at the date hereof, is the registered owner, in the books of
the corporation of the city of Quebec, of
shares of one hundred dollars
each, in all amounting to dollars,
of the consolidated fund of the city of Quebec, (as detailed
in the margin hereof,) established under the authority of
the act of the legislature of Quebec, in the Dominion of
Canada, passed on the first day of February, 1870. (33 Vic.,
chap. 46.) intituled: "An Act to amend the provisions of
the several acts relating to the incorporation of the city of
Quebec."

Upon the amount of shares in the said permanent stock
standing enregistered to the credit of the owners thereof,
in the books of the corporation of the city of Quebec as
aforesaid, the corporation of the city of Quebec will pay
interest semi-annually, on the first days of January and
July in each year. The interest payable in London on the
at the office of

Sealed with the seal of the corporation of the said city
of Quebec, signed by the mayor, countersigned by the city
clerk, and enregistered in the books of the said corporation
by the city treasurer of the said city, this day of

18

L. S.

City Clerk,

Mayor,

Registered book

Folio,

City Treasurer.

SCHEDULE No. 2,

City of Quebec Consolidated Fund.

Class C.

Terminable Debentures

City Hall,
18 .

Quebec,

Certificate No.

This is to certify that
 of _____ is at the date hereof, the registered
 owner, in the books of the corporation of the city of Que-
 bec, of _____ shares of one hundred dollars each,
 in all amounting to _____ dollars of the following
 terminable debentures of the consolidated fund for the city
 Quebec, issued under the authority of the act of the legisla-
 ture of Quebec, in the Dominion of Canada, passed on the
 first day of February, 1870. (33 Vic, chap. 46), intituled :
 " An Act to amend the provisions of the several acts relat-
 ing to the incorporation of the city of Quebec," viz: 1st
 issue of _____
 payable _____ shares

Upon the amount of shares in the said terminable debentures standing enregistered to the credit of the owner thereof, in the books of the corporation of the city of Quebec, the corporation of the said city will pay interest semi-annually, on the first days of January and July in each year, and the principal sum accruing at the maturity of the respective issues of the said terminable debentures, will be redeemed in full and paid to such parties as may stand enregistered proprietors in the books of the said corporation, _____ years after the dates of the respective issues authorized by virtue of the act hereinbefore stated. The interest payable in London on the _____ at the office of _____

Sealed with the seal of the corporation of the said city of Quebec, signed by the mayor, countersigned by the city clerk, and enregistered in the books of said corporation by the city treasurer of the said city, this _____ day of _____ 18 _____

(L. S.)

City Clerk.

Mayor.

Registered

Folio

City Treasurer.

SCHEDULE No. 3.

City of Quebec Consolidated Fund
Quebec, City Hall,

18

This is to certify that
has this day transferred in the books of the corporation of
the city of Quebec to the credit of
of shares of one hundred dollars each, in all
amounting to dollars of the consolidated
fund of the city of Quebec, under the following classes, viz:
The said shares are transferable in the books of the corpo-
ration of the said city only by the said
or attorney duly constituted.

City Treasurer

SCHEDULE No. 4.

City of Quebec Consolidated Fund

For value received from

of
do hereby assign and transfer unto the said
shares of one hundred dollars each,
amounting to the sum of dollars,
in the consolidated fund of the city of Quebec, viz: of
Quebec Water Works stock, (class A)
shares of Quebec public property stock
(class B) shares
and Quebec terminable debentures (class C)
shares

Witness my hand, this day of
in the year one thousand eight hundred and

Signed in presence

} Signature of party transferring

Witnesses.



