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No. 174.

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1st Session, 7th Parliament, 25 Victoria, 1862.

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BILL.

An Act to amend the Acts incorporating  
and relating to the City of Quebec.

(PRIVATE BILL.)

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Received and read, first time, Friday, 9th  
May, 1862.

Second reading, Tuesday, 13th May, 1862.

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Hon. Mr. ALLEYN.

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QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER,  
ROSE & LEMIEUX, ST. URSULE STREET

An Act to amend the Acts incorporating and relating to the City of Quebec.

**WHEREAS** it is necessary and expedient to amend the several Acts incorporating and relating to the City of Quebec :

Preamble.

Therefore, Her Majesty, by and with the advice, &c., enacts as follows :

- 5 **1.** Every voter at municipal elections in the City of Quebec shall vote in each ward in which he is assessed to an amount qualifying such voter to vote at present in one ward. No person shall be permitted to give more than one vote in each ward. Voters to vote in each ward in which they are qualified.
- 10 **2.** The Recorder of the City of Quebec, the Inspector and Superintendent of Police of the City of Quebec, and the Sheriff of the District of Quebec for the time being, shall be and constitute a Board of Revisors, to revise the voters' list, and decide according to the best of their judgment upon the claims made under and in pursuance of the provisions of the Statutes in that behalf made and provided, for the insertion or omission of names in or from the said list; and the Recorder shall preside at the meetings of the said Board; and such Board shall, on their first day of meeting, be duly sworn by a Justice of the Peace for the District of Quebec, well and impartially to perform their duties as such Revisors; and the said Board shall give public notice before their first day of sitting, of the order in which they will take up the lists of the several wards, and they shall meet on the twentieth day of November or on the first juridical day thereafter, if the same be a holiday, at ten o'clock in the forenoon, in the City Hall, for the purpose of hearing persons concerned in making the said claims, or their duly constituted attorneys, and deciding upon them, and shall adjourn from day to day until all the voters' lists be revised and settled. Board of Revisors appointed.
- 20 The Recorder, when presiding at the said Board, shall have power to examine persons upon oath respecting the said claims, and all matters connected with the revision of the said lists; and the said Board after hearing the best evidence of which the cases will admit, shall and they are hereby required to decide upon and make the necessary additions to and erasures from the said voters' lists, in relation to the application before them; and the said Board shall also have power to correct any mistake, or supply any incidental omission made by the assessors in the said lists; and the said lists so revised and settled, shall be signed by the Recorder, and sealed with the City seal, and shall be the only correct voters' lists: Provided always, that the said lists shall be finally completed before the tenth day of December in each year: and provided also, that no person's name shall be erased from any of the said lists without his being informed of the claim to that effect, and having an opportunity of being heard in reference thereto. To be sworn.
- 30 Whenever any member of the said Board shall be prevented from attending the meetings thereof, by illness, absence from the said City or otherwise, it shall be Duties and power of Board.
- 45 Proviso.
- 50 In case any member is unable to attend

the duty of the Mayor of the said City, and he is hereby authorized forthwith to name, from among the members of the Council of the said City, such and so many Councillors as may be necessary to supply the places of the members of the said Board who shall be prevented from attending as aforesaid, which said Councillors shall have full power and authority to act in the premises after being duly sworn in the manner in this section provided, until the close of the election or the return of the persons in whose place they were appointed, and in case the Recorder be absent as aforesaid, then the members of the Board, including the persons appointed to act in the absence of the others, present at any meeting thereof, shall choose one of their number to preside at such meeting, and such person so chosen shall have the power herein given to the Recorder in respect of his presiding at such Board.

Voters' list to be kept in City Hall.

3. The voters' list for each ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the office of the City Clerk.

Where elections shall take place.

4. Whenever a poll shall have been granted for the election of a Councillor in any ward, the voting for such Councillor shall take place in such ward for which such poll shall have been granted, at such place within the same as shall have been fixed by the Council of the said City at any meeting thereof, held previous to the tenth day of December in each year. The said voting shall begin on the fifteenth day of December in each year, or if that be a holiday, then on the first juridical day thereafter and shall last, and continue on the next juridical day thereafter only. The poll shall be opened each juridical day at nine of the clock in the morning, and shall be closed at four of the clock in the afternoon each day.

President of Election.

5. The election in each ward shall be presided over by such Councillor as shall have been named for that purpose by the said Council at any meeting thereof, held previously to the tenth day of December in each year.

Duty of City Clerk as regards elections.

6. As soon as a poll shall have been granted for the election of a Councillor as aforesaid in any ward, it shall be the duty of the City Clerk of the said City forthwith, to make a correct copy of the voters' list for such ward, to which copy he shall attach the seal of the said City and affix his signature; and he shall moreover make oath before the Recorder of the said City, or any Justice of the Peace for the District of Quebec, that such copy is a correct copy of the said voters' list for such ward, which oath shall be appended to the said copy, and thereupon the said City Clerk shall forthwith transmit to such Councillor named to preside at the election in such ward as aforesaid, the said copy of the said voters' list for the said ward.

As to rights of persons named in voters' lists.

7. Every person whose name shall appear in the said copy of the said voters' list for the said ward transmitted to the said Councillor as aforesaid, shall be entitled to vote at the election of a Councillor or Councillors as the case may be, for such ward without any further enquiry as to his qualification: and without taking any oath other than the following, which oath the said Councillor presiding as aforesaid, is hereby required and authorized to administer:

Form of oath.

"I make oath that I am the person named in the copy of the voters' list for ward of and in the City of Quebec, for municipal

“elections, now shewn me, that I have not before voted at this election  
 “in this ward; that I have not received directly or indirectly, any money,  
 “promissory note, promise, place or employment, and that the assessments  
 “or taxes due by me have not been paid by any one to induce me to vote  
 5 “for any of the candidates at this election, and that I am at least twenty-  
 “one years of age. So help me God.”

8. The Council of the said City shall cause books to be prepared, one Poll books to be prepared.  
 of which shall be delivered by the City Clerk to such Councillor so  
 10 named to preside at such election as aforesaid, at least twenty-four hours  
 before such voting shall commence, in which shall be written under the  
 supervision of the said Councillor during the said voting, the name of  
 each voter who shall vote at the said election in the said ward, together  
 with the name of the person for whom such voter shall vote to be Coun-  
 cillor for such ward.

15 9. Upon the demand of any candidate, or his duly authorized agent, or  
 of any duly qualified elector of such ward, it shall be the duty of such When oath to be adminis-tered to vot-ers.  
 presiding Councillor, and he is hereby authorized to administer to any  
 voter the oath appended to the seventh section of this Act. If the voter  
 20 refuse to take the said oath, the words “refused to swear” shall be  
 written opposite his name and he shall not be allowed to vote, if the  
 voter take the oath, the word “sworn” shall be written opposite his  
 name, and his vote shall be received and registered; in either case the  
 name of the party who demands that the oath be administered, shall  
 be written down in the said book in a column to be provided for that  
 25 purpose.

10. The Mayor of the said City shall appoint a clerk for each ward Poll clerk to be appointed in each Ward.  
 to write down in the said book under the supervision of the said pre-  
 siding Councillor, the names of all the voters who shall vote at the  
 election in such ward, and to make all other entries therein by this Act  
 30 or by law required to be made: before such clerk shall act in the pre-  
 mises, he shall take before the said Mayor or before any Councillor of  
 the said City, the following oath:

“I do hereby make oath that I will faithfully, truly, His oath.  
 “and impartially, to the best of my ability, perform the duties of clerk at  
 35 “the election for Councillor for \_\_\_\_\_ Ward of this City to be  
 “began and holden on the \_\_\_\_\_ day of December instant. So  
 “help me God.”

11. If a poll be granted for the election of a Mayor of the said City, In case of poll being granted for election of Mayor.  
 the voting for such Mayor shall take place in each ward in the said  
 40 City, at such place in each ward as shall have been fixed by the said  
 Council at any meeting thereof held previous to the tenth day of  
 December in each year. The provisions hereinabove contained respect-  
 ing the right to vote as shewn by the said copy of the said voters’ list,  
 the transmission of the said copy to the Councillor appointed to preside  
 45 at the election, the days of voting, the duration of the said voting, the  
 entering of voters’ names in the said book, the swearing of voters, the  
 entering of the names of the candidate for whom the voter shall vote for  
 Mayor, the appointment of Councillor to preside at the election, the  
 appointment of clerk to make the said entries, the oath to be taken by  
 50 such clerk, and all the other provisions hereinbefore enacted in respect  
 of the election of a Councillor or Councillors for each ward, shall apply  
 to the election of such Mayor. It being provided, that the names of Entry of names of voters.  
 the persons voting for Mayor in each ward shall be entered in the same

book as that in which shall be entered the names of those voting for Councillor for such ward, and when voters record their votes for Mayor and for Councillor in such ward, separate and distinct columns shall be kept in each of the said books, at the head of which shall be written the names of the candidates or persons voted for, and as each voter declares the name of the party for whom he votes, the vote shall be recorded by marking the figure '1' in the column opposite the voter's name, and under the name of the candidate or person voted for. 5

**12.** In the event of the decease or absence from illness or otherwise, of any Councillor appointed to preside at any election as aforesaid, or of any clerk appointed as aforesaid, it shall be the duty of the said Mayor forthwith to appoint another in his stead; and in this case, such clerk to be so appointed shall take in the manner hereinbefore provided the oath respecting the performance of his duties as such clerk. 10

**13.** At the close of the election in each ward as aforesaid, it shall be the duty of the Councillor presiding at the said election to add up the number of votes given and recorded in the said book at the said election to and for each candidate for the office of Mayor of the said City, and to each candidate for the office of Councillor for the said ward, and to return the said book to the City Clerk the same day. The said Councillor shall make oath before the Recorder, the Mayor, or any Councillor of the said City, that the said book has been truly and faithfully kept, and he shall subscribe his signature to the said oath. 15 20

**14.** On the first juridical day of December in each year after the close of the said voting, at ten of the clock in the forenoon, the said Board of Revisors shall meet in the City Hall, and shall have all the said ward books kept at the elections in the several wards brought before them, and shall thereupon ascertain and report to the said Council at its first-meeting thereafter, the total number of votes given to and recorded in the whole of the said books for each candidate for the office of Mayor of the said City, and the total number of votes given to and recorded in each ward book for each candidate for the office of Councillor for the said ward, and for whom the greatest number of votes has been recorded for the office of Mayor of the said City, and for the office of Councillor for each ward thereof, and the said Council shall thereupon declare the party having the greatest number of votes for the office of Mayor of the said City, to be elected Mayor of the said City, and the party having the greatest number of votes for the office of Councillor in each ward to be elected Councillor of the said City, and in case of an equality of votes in respect of the said office of Mayor or Councillor, the said Council shall determine which of the said parties having the said equality shall be elected to office. And the said books, with the names of the said voters, and the names of the parties for whom they have respectively voted, shall remain in the office of the City Clerk, where they shall be open to inspection by any elector on payment of twenty-five cents. Provided always, that the newly elected Mayor and Councillors as aforesaid, shall not enter upon the duties of their office and shall not enjoy any of the rights and privileges, nor be liable to any of the duties and responsibilities of Mayor or Councillors, until from and after the third Monday in January in each year. 25 30 35 40 45

**15.** If any member of the said Board of Revisors appointed as such by this Act, or appointed by the said Mayor under the provisions of this Act, shall neglect or refuse to perform any of the duties required of 50

Penalty on members of Board refusing to act.

him under the provisions of this Act, he shall incur a penalty of eight hundred dollars.

16. The Treasurer of the said City shall, in books to be kept for  
 5 that purpose, enter true accounts of all sums of money by him received  
 or paid as such Treasurer, and the several matters for which such sums  
 shall have been received or paid, and the books containing the said  
 accounts shall at all reasonable times be open to the inspection of the  
 Mayor or of any of the Councillors of the said City, and all the accounts  
 10 of the said Treasurer, with all vouchers and papers relating thereto,  
 shall be made up to and closed on the thirty-first day of March; the  
 thirtieth day of June; the thirtieth day of September; and thirty-first  
 day of December in each year; and shall immediately after each of the  
 said days be submitted by such Treasurer to the Auditors elected for  
 15 the said City, and such members of the said Council as the Mayor of  
 the said City shall name, and the said books of account, accounts and  
 all vouchers and papers relating thereto, shall thereupon be open to the  
 inspection and examination of the said Auditors and Councillors to be  
 named by the Mayor, for the purpose of the said books and accounts  
 20 being examined and audited for the quarter preceding such examination,  
 and if the said accounts shall be found to be correct, the auditors shall  
 certify the same to be so; and after the said accounts shall have been  
 so examined and audited for the quarter ending on the thirty-first day  
 of December in each year, the Treasurer shall make out in writing and  
 25 cause to be printed a full abstract of his accounts for the year, and a copy  
 thereof shall be open to the inspection of all the rate payers of the said  
 City; and copies thereof shall be delivered to all rate payers of the said  
 City applying for the same, on payment of a reasonable price for each  
 copy.

Duty of Treasurer as regards City accounts.

Submission of accounts to auditors.

30 17. It shall not be necessary that any Auditor elected by the said  
 Council should possess any qualification in respect of real or personal  
 estate.

Auditors need not qualify.

18. Whenever the Road Surveyor, or City Inspector of the said City  
 35 shall deem it necessary that a new footway should be laid down, or  
 renewed in front of any house or premises in any street in the said City,  
 it shall be incumbent on the proprietor or occupant of such house  
 or premises, within twenty-four hours after notice to that effect  
 shall have been served upon him or her by the said Road Sur-  
 40 veyor or City Inspector, to furnish and deliver on the spot the  
 necessary deals or planks to make such footway or renew the same, and  
 in default of his or her doing so within the said delay, it shall be com-  
 petent to the said Road Surveyor or City Inspector to cause the said  
 deals or planks to be purchased for the purpose aforesaid and delivered  
 45 on the spot aforesaid; and to recover the cost thereof, of and from the  
 said proprietor or occupant by action in the name of the Mayor, Coun-  
 cillors, and citizens of the City of Quebec, in the Recorder's Court,  
 together with the costs of such action. In cases where, by his lease or  
 agreement, the occupant is not bound to pay for such charges, he shall  
 50 be entitled to recover the amount of the said deals or planks or the  
 amount of the said judgment and costs from the proprietor of the said  
 house or premises.

Provisions for the making of new foot-paths.

Right of occupant as against proprietor.

19. In cases where any assessments, rates, taxes or duties are charged  
 against, or for and in respect of heirs or persons, when there are more  
 55 than one, whose names cannot conveniently be ascertained, it shall be

In case names of parties assessed cannot be ascertained.

sufficient to enter in the assessment books, the name of any one of such heirs or persons, and upon such heir or heirs, or person or persons being foreclosed in respect of their right to complain of any charges in the said assessment books contained, execution may issue against the goods and chattels, land and tenements, of such heir or heirs, person or persons 5 for the whole amount charged in the said assessment books against him or them respectively, with the costs of such execution. And in cases where the said assessments, rates, taxes or duties are charged against any tenant or occupant, who shall not pay the same, execution may issue against the goods and chattels, garnishing the premises in the 10 occupation of such tenant, and such goods and chattels shall be liable to seizure and sale for the payment thereof and of the costs of such execution.

By-laws for increased water rates.

**20.** The said Council of the said City shall have power and authority by any By-law for that purpose to be duly made, to levy and impose 15 in addition to the annual water rate now imposed and levied, special taxes in respect of the keeping of animals, livery stables, manufactories, water closets, engines, breweries, distilleries, tanneries or other establishments, or appliances in respect of which a greater consumption of water takes place than otherwise would be used in the premises where the same 20 are kept or used.

Criminal Jurisdiction of Recorder's Court.

**21.** From and after the passing of this Act, the Recorder's Court of the said City shall only have criminal jurisdiction in cases instituted for the recovery of fines or penalties imposed by or under the provisions of the Acts incorporating or relating to the said City, and by, or under 25 the provisions of the By-laws, rules and orders, now or which hereafter may be in force in the said City, or where for the violation of either, imprisonment may be awarded.

Copies of By-laws to be held authentic.

**22.** All copies, written or printed of any By-law, rule or order of the Council of the said City which shall be produced before the said 30 Recorder's Court shall be held authentic and shall accordingly be received in evidence in the said Court; and in any other Court into which the proceedings may be removed or brought by *certiorari*, or appeal, or otherwise, civil or criminal, without further proof, unless proof to the contrary be shown as required by the laws in force in Lower Canada. 35

Provision for enforcement of penalties.

**23.** All fines and penalties imposed by the provisions of the Acts incorporating or relating to the said City, or by the provisions of the By-laws, Rules or Orders of the Council of the said City, now or hereafter to be in force, or by the provisions of the Rules or Orders which now are, or which hereafter may be in force in the said City, shall be 40 recovered with costs, by payment of the said fine or penalty and costs, either immediately or within such delay as shall be granted by the said Recorder's Court, and in default of immediate payment, (or within the said delay,) of the said fine or penalty and costs, the party against whom judgment shall have been rendered shall be imprisoned in the 45 Common Gaol of the District of Quebec for a period not exceeding two months, unless such fine or penalty with costs, and the costs of the commitment be sooner paid; anything in the said Acts, By-laws, Rules, or Orders to the contrary notwithstanding.

Addition to sec. 61 of 18 Vic. cap. 59.

**24.** After the words "sufficient to pay the interest of the purchase 50 money thereof," in the sixty-first section of the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and

fifty-nine, intituled, "An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town," there shall be added the words "the expenses incident to the  
5 repairs consequent thereon."

**25.** The second sub-section of the fifty-first section of the last mentioned Act, is hereby amended by inserting immediately after the words "one shilling and sixpence in the pound on the assessed yearly value of the property liable to such assessment" in the said sub-section,  
10 the following words, which are hereby inserted namely, "including all real property held, owned and possessed by the Provincial Government, or War Department within the limits of the said City." 2nd parag. of same section amended.

**26.** The sixteenth section of the last mentioned Act is hereby amended by striking out of the same, the words "and the said certificates  
15 may be deposited in the City Hall," and the said words are hereby struck out of and from the said section. Sec. 16 of the said Act amended.

**27.** The thirty-fourth section of the last mentioned Act is hereby amended by striking out of the same, the words "Provided always, that  
20 in every such election of Auditors, no member of the said Council shall vote for more than one person to be such Auditor as aforesaid;" and the said words are hereby struck out of and from the said section. Sec. 34 of said Act amended.

**28.** The fortieth section of the last mentioned Act is hereby amended by striking out of the same, the words "Provided always, that  
25 no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year"; and the said words are hereby struck out of and from the said section. Sec. 40 of said Act amended.

**29.** After the words "employ any means of corruption by," in the fourth section of the Act passed in the twenty-second year of Her  
30 Majesty's Reign, numbered chapter thirty, intituled "An Act to amend the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intituled An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of  
35 the said City and Town", there shall be added the following words, "paying any assessments, or taxes or by." Sec. 4 of 22 Vic. cap 30 amended.

**30.** The eleventh section of the last mentioned Act is hereby amended by adding the following words, which are hereby added to the end of the said section, namely, "together with all and every, the sum and  
40 sums, amount and amounts charged against him therein for taxes, rates, duties, or other municipal charges whatever, and it is hereby further provided, that when any person shall be so foreclosed, it shall not be necessary that any suit, action, or proceeding be instituted for the recovery of the said assessments, taxes, rates, duties or municipal  
45 charges, or any or either of them; but the same and the whole thereof shall be, remain, and have the effect of a judgment rendered by the said Recorder's Court against such person so foreclosed, which said judgment shall come into force and date, from the day upon which such person shall have been so foreclosed, and execution may issue against  
50 the goods and chattels, lands, and tenements of such person to obtain payment of the said assessments, taxes, rates, duties and municipal

charges, at the expiration of fifteen days after such foreclosure as aforesaid. Provided always, that nothing herein contained shall prevent or be construed to prevent any such person from filing any opposition to such execution, alleging any matter or thing which could now be urged before the said Recorder's Court, notwithstanding any such foreclosure as aforesaid, and provided further, that no such opposition shall be received or filed unless the costs upon and incident to such execution be paid at the time such opposition is so presented." 5

*Sec. 19 of said Act amended.*

**31.** The nineteenth section of the last mentioned Act is hereby amended by adding the following words, and they are hereby added to the end of the said section, namely, "Provided always, that if the said assessments, taxes, rates, and duties for the current year have not been entered in the assessment books, at the time when it shall become necessary to claim in such distribution, by reason that the time for making said assessments, taxes, rates, and duties and entering the same in the said books has not yet arrived, the assessments, taxes, rates and duties for such current year, shall (subject to evidence to the contrary by the parties interested.) be taken to be similar in amount to those of the previous year." 10 15

*Sec. 11 of 10 Vic. cap. 113 amended.*

**32.** The eleventh section of the Act passed in the tenth year of Her Majesty's Reign, chaptered one hundred and thirteen, intituled "An Act for supplying the City of Quebec and parts adjacent thereto with pure water" is hereby amended by striking out of the said section, the word "continued" and substituting in lieu thereof, the word "daily." 20

*Certain sections of Act. 16 Vic. cap. 159, 19 Vic. cap. 59, 22 Vic. (1858) cap. 36 and 22 Vic. (1859) cap. 23 repealed.*

**33.** Sections ten, thirteen, fourteen, fifteen, eighteen and nineteen of the said Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and fifty-nine, intituled, "An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town;" section three of the Act passed in the nineteenth year of Her Majesty's Reign, chaptered sixty-nine, intituled "An Act to render the Mayor of Quebec elective by the electors of Quebec;" Sections seven, eight and ten of the said Act passed in the twenty-second year (1858) of Her Majesty's Reign chaptered thirty, intituled "An Act to amend the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intituled An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town." and the first section of the Act passed in the twenty-second year (1859) of Her Majesty's Reign, chaptered sixty-three, intituled "An Act to amend the several Acts respecting the Corporation of the City of Quebec," are, and each of them is hereby repealed. 25 30 35 40 45

*Falsely swearing to be perjury.*

**34.** Any person who shall swear falsely upon any oath by this Act prescribed to be taken, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence. 50

*Repealed provisions.*

**35.** No Act, section or provisions of any Act repealed by the repeal of the several Acts or sections by this Act repealed, shall revive by reason of such repeal. 50

*Contrary provisions.*

**36.** All other Acts, and provisions of Acts which are inconsistent with, or repugnant to the provisions of this Act, are hereby repealed.

*Public Act.*

**37.** This Act shall be deemed a Public Act.