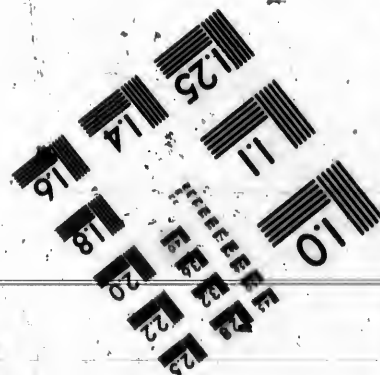
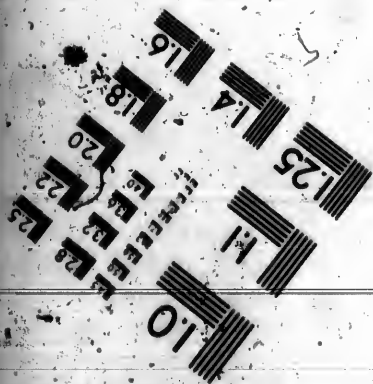
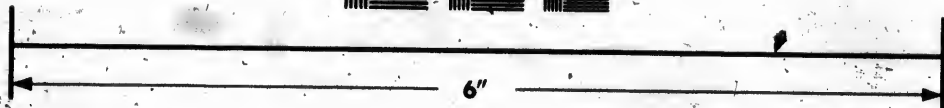
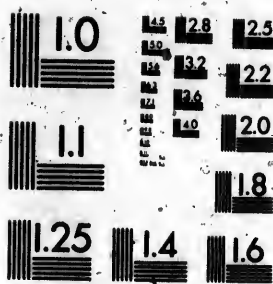


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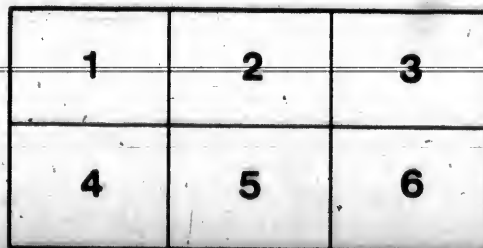
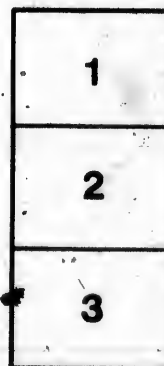
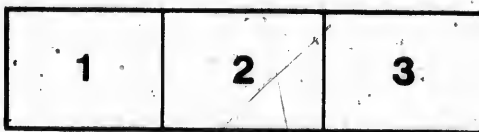
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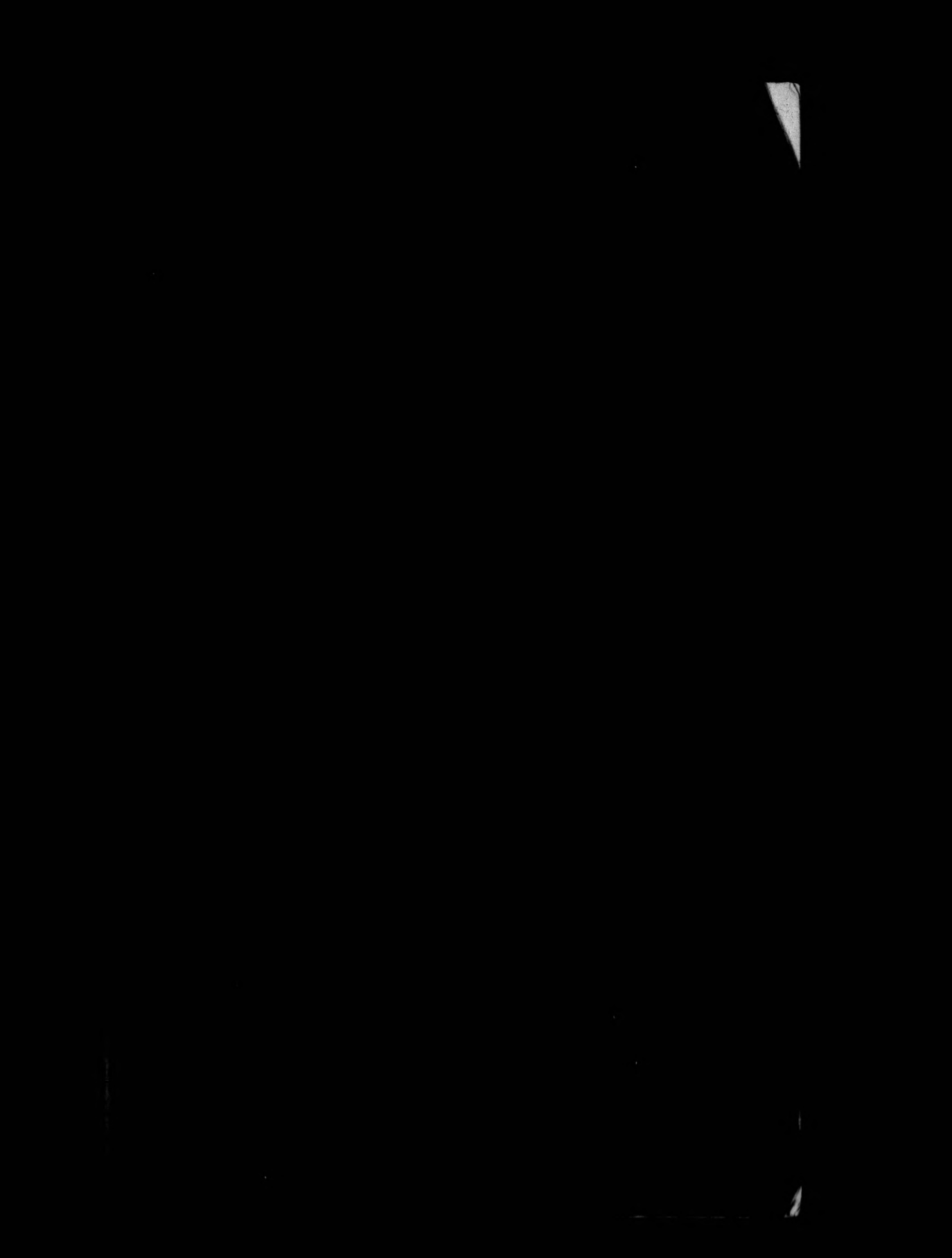
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AN ACT

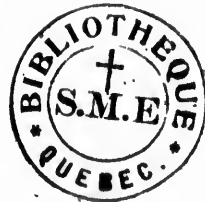
TO AMEND THE ACT TO AMEND AND CONSOLIDATE THE PROVISIONS CONTAINED  
IN THE ACTS AND ORDINANCES RELATING TO THE INCORPORATION  
OF, AND THE SUPPLY OF WATER TO, THE

CITY OF QUEBEC.

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29-30 Victoria, Cap. 57.

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ANNO VICESIMO-NONO ET TRICESIMO

VICTORIÆ REGINÆ.

CAP. LVII.

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

[Assented to 15th August, 1866.]

WHEREAS the Corporation of the City of Quebec have, by their petition, prayed that amendments may be made to the Act passed in the twenty-ninth year of Her Majesty's Reign, intituled : *An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of, and the supply of water to, the City of Quebec*, and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Section six of the said Act is repealed, and the following substituted therefor :

Section 6  
repealed.

" 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 :"

Qualification of  
Members of  
the Council.



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 required 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 Councillor shall be vacant ;"

Oaths of allegiance and of office.

" 3. The Mayor, Aldermen 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, Aldermen or Councillors : persons in holy orders, the ministers or preachers 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."

Section 15 amended.

" 2. Subsection two of section fifteen of the said Act is repealed, and the following substituted therefor :

When the Mayor, &c., shall enter on their duties, after election.

" 2. The Mayor, Aldermen and Councillors elected at the annual election aforesaid, shall not enter upon the duties of their offices, and shall not enjoy any of the rights and privileges attached to their respective offices, until and after the second Monday in January following their election ; if that Monday should happen to be a public holiday, they shall enter upon the duties of their offices upon the next juridical day."

Section 16 amended.

" 3. Subsection five of section sixteen of the said Act is repealed, and the following substituted therefor :

Majority to decide questions : no ballot.

" 5. The absolute majority of the members present 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."

Section 17 amended.

" 4. The following subsections are added to the seventeenth section of the said Act :

" 12. The Mayor may, whenever he shall consider it necessary, require the Recorder of the said city to institute an enquiry 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 ;"

Inquiry by Recorder touching conduct of officers.

" 13. 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."

Mayor may suspend such officers.

5. Subsection eight of section eighteen of the said Act is amended, by adding after the word " Mayor " the words " or before any member of the said Board ;"

Section 18 amended.

6. The following subsections are added to the said section eighteen :

Further amendment.

" 11. The said Assessors may exercise, either collectively or separately, each and every the powers which are conferred 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 ;"

Powers of assessors.

" 12. Two members of the said board, present at any meeting of the said board, shall be competent to exercise all the powers conferred on the said board by this Act ;"

Quorum of board.

7. Subsection one of section twenty of the said Act is amended by adding after the words " shall be sworn to before a Justice of the Peace, or a member of the City Council," the words " or before the Clerk of the said Recorder's Court."

Section 20 amended.

8. Subsection three of the same section is amended by adding the following words at the end thereof :

Further amendment.

" Unless sufficient cause to the contrary shall be shewn by the party interested."

9. Subsection four of the same section is amended by adding the following words at the end thereof :

Further amendment.

" Otherwise the said Court shall order the correction, amendment or addition applied for, to be made."

10. Subsections two, three, four and eight of section twenty-one of the said Act are repealed, and the following substituted therefor :

Section 21 amended.

" 2. The Council may by By-law impose and levy—

" Tolls

Tolls.

"Tolls upon all works under its jurisdiction in the said city ;

Assessments.

"An annual assessment on the movable and immovable property in the said city, or upon both; or upon either, as it may think fit; but the assessment shall not (except in the cases hereinafter provided for,) exceed ten cents in the dollar of the annual value of the property assessed ;

Limitation.

Drainage tax.

"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 ;

Obligatory for the year 1866-7

"But the Treasurer of the city shall, without other authority than this Act, impose and levy such tax for the fiscal year one thousand eight hundred and sixty-six and one thousand eight hundred and sixty-seven, in the manner prescribed for the imposing and levying of other taxes or assessments upon real property, and the said tax shall be payable on and after the first day of November next, 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 ;

Tenant and proprietor each to pay half.

"Assessments on immovable property when the same is leased or occupied by any person other than the proprietor, shall be payable one-half by the proprietor and one-half by the tenant or occupant ; otherwise the whole shall be paid by the proprietor ;

Specific rates on chattels, trades, &amp;c.

"Specific rates upon animals, upon chattels, upon trades, upon callings, upon commerce, upon business, upon manufactures, upon professions, upon incorporated or unincorporated companies whose object is gain, upon the shareholders or partners in such companies, and generally upon all means of gain or livelihood whatsoever, their agents or agencies and their places of business ;"

#### 4. The Council may—

Licenses.

"Substitute for the specific rates imposable by and mentioned in the foregoing third subsection, licenses or permits ;

Penalties.

"Punish by a fine not exceeding fifty dollars or by imprisonment for one calendar month, unless such fine be sooner paid, any contravention of the By-laws made in virtue of the foregoing provisions."

Section 24 amended.

"11. The first subsection of section twenty-four of the said Act is amended, by adding at the end thereof the following :

Recovery of taxes.

"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

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the Recorder's Court, and in accordance with the law regulating the said Court."

The said subsection one of section twenty-four of the said Act is further amended by adding thereto the following words: Further amendment.

" Whenever the person upon whom such notice and demand had 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.

Subsections two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of the same section twenty-four of the said Act, are repealed, and the following substituted therefor: Certain subsections repealed.

" 2. 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." New provisions: as to joint owners of property.

" 3. 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.

" 4. 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;" Either proprietor or tenant may be sued if the other fails to pay.

" 5. In case the Corporation is unable to recover from the tenant or occupant of any real property in the said city, the proportion of the assessments, taxes, rates, or other municipal dues Proprietor liable for tenant's tax.

dues payable by such tenant or occupant, the proprietor of the real property occupied by such tenant or occupant, shall be responsible to the said corporation, who may exact from the proprietor payment of any sum so due for such assessments, taxes, rates or other municipal dues by such tenant or occupant ;”

Litigation.

“ 6. 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.

“ 7. 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 possesses 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.

“ 8. 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.

“ 9. 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 ;”

Oppositions, &c.

“ 10. 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 ;”

Duty of treasurer.

“ 11. 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 ;”

His responsibility.

“ 12. 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 ;”

Summoning absentees.

“ 13. 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

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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 ;”

“ 14. 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. 2009.

“ 15. 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.

“ 16. 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.

“ 17. 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 due shall have become due and payable ;” Prescription of taxes.

“ 18. 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 ;” To apply to special rates, &c.

12. Subsection six of section twenty-six of the said Act shall be amended by adding the following words at the end of the said subsection: Section 26 amended.

“ 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.” Administering oaths.

13. The words “ five hundred ” in the first line of section twenty-eight of the said Act, shall be replaced by the words “ one hundred.” Section 28, amended.

Sub-section 16 of sect. 29, amended.

14. Subsection sixteen of section twenty-nine of the said Act shall be amended by adding at the end thereof the words "relative to fire."

Sub-section 21 of sect. 29, repealed.

15. Sub-section twenty-one of the said section twenty-nine is repealed and the following substituted :

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 force 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."

Sub-section 23 amended.

16. Subsection twenty-three of section twenty-nine shall be amended by adding at the end of the said subsection, the following :

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."

Sub-sec. 33.

17. Subsection thirty-three of the said section is repealed, and the following substituted therefor :

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."

New sub-sections after 33.

18. The following subsections shall be added after subsection thirty-three of the said section twenty-nine, namely :

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“(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;”

*Encroachments on streets.*

“(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;”

*Cost of removal, how paid.*

“(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.”

*Snow on roofs.*

19. Subsection forty-two of the said section twenty-nine is repealed, and the following substituted therefor:

*Sub-section 42 repealed.*

“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;”

*Selling meat regulated.*

“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 of the provisions of this subsection, the Corporation shall not be required to prove that the defendant has sold, offered or exposed for sale meat not being that of animals raised on his farm or the produce of his hunting.”

*Exception. Proviso, as to proof.*

20. The following subsection shall be added immediately after the forty-second subsection of the said section:

*New sub-section after 42.*

“(a) The said Council may, by any by-law made for that 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.”

*Transient traders to take out licenses.*

“(a).”



Sub-sections repealed and others substituted.

21. Subsections forty-three, forty-four, forty-five and forty-six of the said section twenty-nine, are repealed, and the following substituted therefor :

Refusing to exhibit license. Arrest of offender.

" 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 said Recorder's Court, if it be then sitting, to be by the said Court disposed of according to law ;"

If Recorder's Court is not sitting.

" 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 the person arrested has no license.

" 45. If such person has no license, the bail required by the next preceding subsection shall be two hundred dollars, 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 ;"

If the offence be proved.

" 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."

Additional sub-sections to 29.

22. The following shall be added after the forty-eighth subsection of the said section twenty-nine :

Extent of By-law.

" 48. (a). The said Council may also, by by-law for that purpose, compel parties who carry on any business or trade in the said City to take out licenses for the carrying on of such business or trade ; this requirement may be extended to all branches of business or trade, or only to those to which the said Council may deem it expedient to extend it ;"

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" 48. (b). The said license shall be given by the clerk of the said City after payment of the price of such license to the Treasurer of the said City, such price not to exceed one hundred dollars, and the said Council may fix such price for each kind of business or trade ;" Price of license.

" 48. (c). Licenses granted under the preceding provisions shall avail from the day on which they shall be granted until the first of May then next ensuing, and no longer." Duration.

**23.** Subsection sixty-one of section twenty-nine of the said Act is repealed and the following substituted : Sub-section 61 repealed.

" 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 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." Suppressing or regulating houses of prostitution.

**24.** The following subsection shall be added after subsection seventy-two of the said section twenty-nine : New sub-section after 72.

" 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 Who shall be deemed carters.

" 48. (b)

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 lie upon the defendant."

New sub-section after 77.

**25.** The following subsection is added after subsection seventy-seven of the said section twenty-nine :

Engagements with P. Barras and others, may be carried out.

"77 (a). But inasmuch as the said corporation hath in good faith entered into engagements with Messrs. Pierre Barras, George Couture and Théodule Foisy, in relation to the ferry between the said city and Point Lewis, the Mayor is empowered in the name of the Corporation to grant to the parties above named, on such conditions as the Council shall deem expedient, the exclusive privileges of the said ferry for nine years or less, commencing on the first day of September, one thousand eight hundred and sixty-six.

Sub-section 79 amended.

**26.** Subsection seventy-nine of the said section twenty-nine shall be amended by adding at the end thereof the following :

Rates 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.

New sub-sections to sect. 29.

**27.** The following subsections shall be added to the said section twenty-nine :

Hucksters.

"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 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.

Section 30, amended.

**28.** Subsection eight of section thirty of the said Act is repealed.

Further amendment.

**29.** Subsection nine of section thirty of the said Act is repealed, and the following subsection shall be added after subsection ten of the said section :

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" 11. 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."

Recognizances.

" 30. The first subsection of section thirty-one of the said Act is repealed, and the following substituted therefor :

Section 31, amended.

" The police force now established in the said city shall, after the passing of this Act, be under the exclusive control of a board consisting of the Mayor, the Recorder and the Judge of the Sessions of the Peace for the said city, of whom two shall form a quorum ; the said board shall appoint a sufficient number of men qualified to perform the duties required of those who form part of the said force, but such number shall not exceed sixty-two men ;"

Police force ; board to control, &c.

No. of men.

" 1. (a). The Treasurer of the City shall pay to the said board out of the revenue of the said City, and upon their demand, all and every the sums required by the said board, to pay, equip, arm and lodge the said force or part thereof, to maintain, repair, purchase, build, heat and light police stations, and generally all sums required for incidental or accessory expenses of the said police force."

Expenses to be paid by Treasurer.

" 31. Subsection nine of the same section is repealed, and the following substituted therefor :

Sub-section 9, repealed.

" 9. No police constable shall withdraw from the said force before the expiration of his term of engagement (except in case he shall have been discharged,) under pain of a fine not exceeding eighty dollars, or in default of payment, of imprisonment for a period not exceeding three months ;"

Constables not to leave the service during engagement.

" The engagement of any constable shall be deemed to be made for the period of one year and no more ; but any engagement may be renewed with the consent of the board."

Term of engagement.

" 32. Subsection sixteen of section thirty-one of the said Act is repealed, and the following substituted therefor :

Sub-section 16, of sect. 30, repealed.

" 16. Any person arrested on view for an offence against the by-laws of the said city, may be admitted to bail by a Justice of the Peace, who shall accept as sureties only persons of known solvency, for the appearance of the person so arrested before the said Recorder's Court on the day named in the recognizance ;

Persons arrested on view.

" 11.

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Amount of bail. "The amount of the recognizance in such case as well as in the case of persons arrested under the provisions of subsections ten, eleven and twelve of this section, shall be forty dollars; And for the said recognizance there shall be exacted fifty cents, which shall be delivered to the Clerk of the said Court with the recognizance, and the said fifty cents shall belong to the said Corporation."

Sub-section 18 repealed. **33.** Subsection eighteen of the said section thirty-one is repealed, and the following substituted therefor:

Punishment of persons resisting police, &c. "18. Whoever shall abuse, threaten, assault, strike, or resist any constable or incite any person to assault, strike or resist such constable in the performance of the duties imposed upon him by this Act or by any other Act or by any by-law of the said city now in force or hereafter to be in force in the said City; or shall

Rescuing prisoners. "Violently deliver or carry off a prisoner, or in any way whatsoever cause or procure the escape of a prisoner in the custody of such constable; or

Resisting visit of constable. "Shall resist such constable in his visit and examination of any building, ground or place whatsoever in the said City, or refuse him admission thereto or to any part thereof, in any case in which such constable is authorized by law or by a by-law of the said City to make such visit, shall incur, on conviction for each offence, a fine not exceeding fifty dollars, or imprisonment for a term not exceeding two months, or both fine and imprisonment together, in the discretion of the Recorder's Court aforesaid."

New sub-sect., added. **34.** The following subsections shall be added after the nineteenth subsection of section thirty-one:

Secretary of police board. "20. The said police board shall appoint a Secretary, who shall also be Secretary of the board of assessment; such Secretary shall keep and sign the minutes of each meeting of the said boards, and shall perform all duties assigned to him by the said boards respectively;"

Documents signed by him. "21. Any document signed by the said Secretary in his capacity as such, shall be received as *prima facie* evidence in all Courts of Justice, and for all purposes whatsoever;"

Salary. "22. The salary of the said Secretary shall not exceed six hundred dollars per annum; such salary shall be fixed by the Council of the said City, and shall be paid monthly by the City Treasurer; but if the Secretary is already an officer or employe of the said Corporation, he shall only be entitled to an increase of salary not exceeding the sum of two hundred dollars;"

" 23. The said police board may, as often as they shall deem it necessary, institute an enquiry into the conduct of the police force of the said City; or of one or more of the members of the said force; the said board shall have for that purpose all the powers granted to the Recorder of the said City respecting enquiries made by the said Recorder by order of the Council of the said City ;"

Inquiries into conduct of police.

Powers.

" 24. The powers conferred by the subsection nineteen of the thirty-first section of the said Act shall for the future be exercised by the Police Board."

Powers of Police Board.

**35.** Subsection eleven of section thirty-two of the said Act is repealed, and the following substituted therefor :

Sub-section 11 of sect. 32, repealed.

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

Wooden coverings to buildings forbidden.

" 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."

Of what to be made.

**36.** The following subsections shall be inserted after subsection thirteen of the said section thirty-two:

New sub-sects. to sect. 32.

" 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; 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 ;"

Wooden buildings forbidden.

" 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."

Penalty.

Recovery of fine.

occupant, and such fine shall be recovered in the manner prescribed by the said subsection twelve respecting wooden buildings ;”

Fire inspector to see this carried out until, &c.

“ 16. All the duties imposed by this section shall, after the passing of this Act, be discharged and executed by the fire Inspector of the said City or other officer to whom, by a by-law, organizing the fire department of the said City, the superintendence of the said department shall be entrusted or who shall be the chief officer thereof under any by-law to that effect ; and the said officer shall see to the execution of the provisions aforesaid, but the said Chief of Police shall be charged with the execution of the provisions of this section until an officer shall have been appointed as aforesaid to superintend or direct the fire department ; and the said officer shall be liable to the fine and penalty imposed by the thirteenth subsection of this section.”

Penalty for neglect.

Sub-section 1 of sect. 35 amended.

37. Subsection one of section thirty-five of the said Act is amended by adding the word “paving” after the words “By-law of the said Corporation for.”

Sub-section 25 of sect. 35 repealed.

38. Subsection twenty-five of section thirty-five of the said Act is repealed, and the following substituted therefor :

Deposit of assessment rolls.

“ 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 Complaints.

“ 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

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no complaint shall be allowed after the expiration of the delay aforesaid, under any form or before any court of justice whatsoever."

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39. Subsection twenty-nine of the said section thirty-five shall be amended by inserting after the words "flagstone or brick foot path or side-walk," in the said subsection, the words "street crossings or wooden side-walks." Sub-section 29 of section 35 amended.

40. The following subsection shall be added after subsection thirty-one of the said section thirty-five: New sub-sect. to 31.

" 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." Recovery of assessments.

said Act is words "By-

41. After section thirty-five of the said Act, the following section shall be added: New section.

e of the said for:

" Hereafter the said City Council, when it shall deem it expedient, may place all works connected with the said city and the water-works thereof under the control of one department, which shall be called the Board of Works; such board shall be managed by an officer to be called the Superintendent of Works; he shall be entrusted with all the disbursements of the corporation except contingencies of office: Board of civil works: chief officer.

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" 2. He shall enjoy the attributes and shall be charged with the duties of the several officers whom he shall succeed in virtue of this Act; Duties.

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" 3. His salary shall not in any case exceed five hundred pounds currency; Salary.

signature of the French sh language apers; and notice that y the said s from and mplaint in erk of the e adminis- ebec, or by

" 4. The Superintendent of Works shall not be dismissed otherwise than by a two-thirds vote of all the members of the Council, at a regular meeting; How remov- able.

" 5. The words *Superintendent of Works* shall mean City Inspector, Inspector of roads, streets, bridges, and chimneys, and Water Works Engineer; Interpretation.

n the said aw for the city; and

" 6. In case the present City Inspector, Joseph Hamel, Esquire, shall retire in virtue of the present Act, and when the Superintendent of Works shall have been appointed, a yearly pension not exceeding eight hundred dollars, shall be granted to the said Joseph Hamel, in consideration of his advanced age and long services; the pension shall commence only on and from the day of his retirement." Pension to Joe. Hamel, Esqr.



New sub-sections  
to sect. 37.

42. After subsection twenty-six of the section thirty-seven of the said Act, the following subsections are added :

Estimates,  
when to be  
brought in.

" 27. 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 committees appointed, after the members of the Council chosen at the annual election shall have taken their seats, and not later than the fifteenth day of February in each year, and shall be referred without delay to the Finance Committee ;

Examination of  
them.

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

Ways and  
means.

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

Appropriations.

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

Salaries.

" 31. 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 ;

Office contingencies.

" 32. 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 ;

What to include.

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

Duties of committees.

" 33. 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 ;

The same.

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

Finance committee.

" 35. The Finance Committee shall have the management of the finances and of the accounts, and no sums of money shall be paid without the signatures of the Mayor, the Chairman and another member of the committee ;

Votes of Mayor  
&c.

" 36. 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 ;

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" 37. The accounts, both of the Corporation and the Water Accounts. 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 ;

" 38. No debenture or cheque shall be payable or valid until it has received the signature of the Mayor and the Treasurer ;

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

" 40. 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."

" 43. Subsection sixteen of section thirty-six of the said Act is repealed, and the following substituted therefor :

" 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 and 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."

" 44. 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 workshops or industrial establishments, for a longer period than five years.

Accounts.

Cheques, &c.

Deposits.

Recovering from officers money unlawfully expended by them.

Subsection 16 of sect. 36 repealed.

Penalty for obstructing erections of water-works.

Fine or Imprisonment or both.

No such contract allowed hereafter.

Subsection 1  
of sect. 38 re-  
pealed.

Recovery of  
fines, &c.

Enforcing  
payment.

Council not  
to remit fines  
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proval of Re-  
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Further sum  
to be raised  
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ing St. John's  
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Act 27, 28 V.,  
c. 59 to apply.

\$30,000 for  
fire alarm, and  
fire stations.

45. The first subsection of section thirty-eight of the said Act shall be repealed, and the following substituted therefor :

"Every fine and penalty imposed by the said Act, or by the present Act, for the punishment of any offence committed against the provisions of the said Act, or of this Act, 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 the said Act, or 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 ;"

"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."

#### MISCELLANEOUS PROVISIONS.

46. Whereas by the Act twenty-seventh and twenty-eighth Victoria, chapter fifty-nine, intituled : *An Act to authorize the Council of the City of Quebec to issue debentures for the enlargement of the gates of the said city*, the Council is authorized to issue debentures to an amount not exceeding twenty-four thousand dollars ; and whereas the said amount has not been found sufficient, the Council is authorized to issue, in addition to the said twenty-four thousand dollars, an amount not exceeding ten thousand dollars, to enable the said Council to complete the construction of St. John's Gate, in the manner it may deem most expedient :

2. All the provisions of the said Act twenty-seventh and twenty-eighth Victoria shall in every respect apply to debentures which may be issued under this Act, both as to the special tax to pay the interest on the ten thousand dollars, and to the sinking fund connected therewith ; except that the maximum rate of interest on the said debentures shall not exceed seven per cent ;

3. The said Council may issue debentures to the amount of thirty thousand dollars, for the purpose of raising a like sum, to be applied to the construction of a Fire Alarm Telegraph and Fire Stations ; and to such debentures all the provisions of the Act hereby amended as to the payment of the interest thereon, and the Sinking Fund for paying off the principal shall apply ;

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4. The said Council may acquire or lease beyond the limits of the city, such grounds or places as they may 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.

Deposit of filth outside the city.

47. The foregoing provisions shall be considered as forming one and the same Act with the Act twenty-ninth Victoria, chapter fifty-seven, as amended by this Act.

This and Act amended to form one Act.

RECORDER'S COURT.

48. 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.

49. Subsections two, three and four of section six of the Act twenty-fourth Victoria, chapter twenty-six, respecting the Recorder's Court, are repealed, and the following substituted therefor:

Certain subsections of sect. 6 of 24 V., c. 26, repealed.

" 2. His salary shall not exceed two thousand dollars per annum, payable monthly out of the funds of the said City by the Treasurer of the said City ; "

Salary of Recorder.

" 3. The Recorder of the said City, by an instrument in writing under his hand and seal, to be deposited, filed and recorded in the office of the Clerk of the said Court, may appoint some person to act as his deputy whom he may dismiss and appoint another in his place ; such deputy shall be an advocate of Lower Canada of at least five years standing ; in the event of the illness or absence from the said City of the Recorder either in virtue of the law, or in virtue of leave of absence granted to the said Recorder by the Governor of the Province, or in case of the legal recusation or other disability of the latter, the said deputy shall have and exercise in such cases only, all and every the powers granted by law to the said Recorder ; Provided that the Governor in Council may at any time disallow the appointment of any such deputy ; the said deputy, for such service, shall be paid by the Recorder ; "

He may appoint a deputy.

When to act.

Proviso. To be paid by Recorder.

" 4. After the passing of the present Act, the said Recorder's Court may be held by the said Recorder or his deputy as aforesaid ; "

May hold the Court.

" 5. In case of the death of the Recorder, the said deputy shall act as such until the Governor shall have appointed a Recorder in accordance with the law. "

To act on death of Recorder.

Exclusive jurisdiction in certain cases.

**50.** 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 the Act twenty-ninth Victoria, chapter fifty-seven, or against the provisions of this Act or the by-laws now in force or which shall hereafter be in force in the said City :

From what places offender may be summoned.

2. In all cases of offences against the provisions of the Act twenty-ninth Victoria, chapter fifty-seven, or of the present Act, the said Recorder's Court may summon the offender from any place within any of the districts of Québec, Beauce and Montmagny, to appear before the said Court, or may issue a warrant against him to bring him before the said Court.

Writs of execution.

**51.** 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 Québec, 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 :

When execution may issue.

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

Return of such writ.

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.

Appeal allowed in certain cases to the Circuit Court.

**52.** In all civil cases before the Recorder's Court, where the sum or penalty demanded or permitted to be awarded, exceeds twenty dollars, an appeal shall lie to the Circuit Court, and such appeal may be instituted upon the party appealing giving the same security and subject to the same provisions and procedure as are adopted in appeals from judgments rendered by virtue of the Act respecting Municipalities and Roads in Lower Canada ; and the Circuit Court shall have power to adjudicate finally upon such appeals whatever may be the amount involved.

Verbal complaint sufficient in case of arrest on view.

**53.** 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 the Act twenty-ninth Victoria, chapter fifty-seven, hereinafter

hereinbefore of the Corporation amend the present Act, force in the Act be reduced before the Court have arrived at a complaint :

2. If a writ of execution, to reduce

**54.** before the Recorder's Court, shall be deemed to be in force with the Court

**55.** pronouncing judgment, the date of the date of the penalty being any

2. In the case of a clerk shall have been

**56.** orders of the Recorder's Court, under the authority of the said clerk, the Mayor except the provisions of this section shall be in force :

2. To the Court

3. To the Court before the Recorder's Court, inscribed in the list of such cases

hereinbefore cited, or of the Act chapter one hundred and two of the Consolidated Statutes for Lower Canada, or of any Act amending the said chapter one hundred and two, or of the present Act, 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 :

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. May be reduced to writing.

54. 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. Clerk to conduct cases.

55. 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 : What record of convictions shall suffice.

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. Death of Clerk.

56. 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 : Clerk to be subject to Court. 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; Office of oath of clerk and deputy.



Taking depositions, &c.

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.

Prosecutor denying any exemption, &c.

57. 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.

Sect. 38 amended.

58. Subsection thirteen of section thirty-eight of the Act twenty-ninth Victoria, chapter fifty-seven, above cited, is repealed, and the following substituted:

Powers as to incidental proceedings.

" 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."

Tariff of fees may be made.

59. 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.

Subject to approval of Governor in Council.

Execution against prosecutor or informer for non-payment of costs, in certain cases where the suit is dismissed.

60. 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 at its discretion condemn the said person to pay the costs and charges incurred by the adverse party in such action, 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.

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2. A mistre house, keep, such h in any abando guardi minor, house,

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**61.** 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.

Amendment of errors in summons, &c.

**62.** 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:

Warrant to arrest minors abandoning their homes.

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

To whom to be addressed.

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

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 keeping 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.

Or inviting them to enter the same.

Penalty.



Warrant of commitment to be executed in any district.

**63.** 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.

Imprisonment under more than one conviction.

**64.** In all cases, where a defendant shall have been condemned to imprisonment, or to imprisonment in default of payment of the fine, and of the costs, under different convictions, each additional period of imprisonment shall commence only at the expiration of a proceeding period of imprisonment.

#### SALE OF LIQUORS.

Closing taverns from Saturday night to Monday morning.

**65.** 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.

#### SPECIAL TAX, IN 1866.

Special tax imposed in 1866, declared valid.

**66.** Whereas the City Council, on the ninth day of February one thousand eight hundred and sixty-six, passed a by-law imposing a tax of fifteen cents in the pound of the annual assessed value of real property in the said City, to meet the deficit of the first four months of the year one thousand eight hundred and sixty-six, and doubts may exist as to the legality of the said tax, and whereas it is expedient to remove all doubts in that respect, it is hereby enacted and declared that the special tax hereinabove mentioned is valid and legal, and that the treasurer could and can require payment thereof in the same manner as of all other taxes and assessments established in virtue of the Act twenty-ninth Victoria, chapter fifty-seven, hereby amended; and it is also declared and enacted that the by-law passed by the said Council on the twenty-seventh day of April, one thousand eight hundred and sixty-six, consolidating the by-laws to provide funds for the expenses of the said city, is and has been legal and binding to all intents and purposes whatever; Provided always, that no person shall be liable to any penalty for infringement of the said by-law before the passing of this Act; nor shall any party to any suit pending, in

And also By-laws of 27th April, 1866.

Provided.

in which render the pas

**67.** chapter apply Public

**68.** of this

in which the legality of the said by-laws is questioned, be rendered liable to any condemnation of costs in consequence of the passing of this Act.

INTERPRETATION, &c.

67. Section thirty-nine of the Act twenty-ninth Victoria, chapter fifty-seven, in so far as regards interpretation, shall apply to all the provisions of this Act; and this Act shall be a Public Act.

68. Any Act, or portion of an Act, contrary to the provisions of this Act, or incompatible therewith, is repealed.

Repeal of  
contrary provisions.

OTTAWA :—Printed by MALCOLM CAMERON,  
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