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No. 53.

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2nd Session, 5th Parliament, 19 Victoria, 1856.

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(LOCAL BILL.)

**BILL.**

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

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Received and read, first time, Wednesday, 5th March, 1856.

Second reading, Monday, 10th March, 1856.

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MR. ANTOINE A. DORION.

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TORONTO:  
PRINTED BY JOHN LOVELL,  
YONGE STREET.

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

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

Preamble.

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the provisions of the several Acts for the incorporation of the City of Montreal,*" shall be, and the same is hereby repealed.

Act 18 Vic., cap. 162. repealed.

II. The second section of the Act made and passed in the Session held in 14th and 15th years of Her Majesty's reign, and intituled, "*An Act to amend and consolidate the provisions of the Ordinance to incorporate the City and Town of Montreal, and of a certain Ordinance and certain Acts amending the same, and to vest certain other powers in the Corporation of the said City of Montreal,*" shall be, and is hereby amended by striking out the words "fifty-second and fifty-third," in the fifth and sixth lines thereof, and substituting the words "fifty-fourth and fifty-fifth" in their places respectively.

Section 2 of 14 and 15 V., c. 128 amended.

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 The eleventh section of the said last cited Act, 14 and 15 Vict., chap. 128, shall be and the same is hereby repealed.

Section 11 of the said Act repealed.

IV. The Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of votes of such male persons, being inhabitants, householders, or occupiers of dwelling-houses within the ward for which the election shall be had, as shall severally be possessed on the first day of January next preceding such election, of a dwelling-house within the ward, held by them respectively in freehold or for a term of years or for a term not less than one year, the annual value whereof, if held in freehold, shall not be less than forty shillings current money of this Province, or the rent paid therefor, if otherwise held, shall not be less than eight pounds said current money, and who shall have been resident within the said City, during one year or more, previous to the first day of January next before any such election, and who shall have resided within the particular ward for which such election shall be had, not less than three months next before the first day of January preceding such election, and who shall have been

Qualification of voters at elections of Councillors.

assessed under the laws and by-laws in force on the first day of January next preceding any such election, in a sum of not less than eight pounds current money aforesaid, upon the dwelling-house so occupied, and part of a dwelling-house in which an inhabitant shall reside as a householder or occupier, but not as a boarder or lodger, and having an outer door by which a communication with the street may be afforded, whether the said door shall be held individually or in common with other such inhabitant or inhabitants of the said house, or part of a house likewise resident therein as such householder or occupier, shall be considered a dwelling-house within the meaning of this enactment, provided the annual value thereof, or the rent paid therefor as aforesaid, be not less than eight pounds, and the rate of assessment thereon be on a sum not less than eight pounds current money aforesaid per annum. And every male person, though not a householder, who shall have been resident in the said City during one year next before the first day of January preceding any such election of Councillors, and who, either individually or jointly as a co-partner with any other person or persons, shall have occupied any warehouse, counting-house or shop, within any of the said wards of the said City, during three months next preceding any such election, and shall have been assessed for not less than one year on such premises, on a sum not less than eight pounds if occupied by one individual, or not less than eight pounds per share if there are two or more co-partners, shall be entitled to vote at the election of Councillors to be had in the ward in which such premises shall be situated; and provided also, that whether the said assessment be paid by the owner or proprietor of the property so assessed, or by the inhabitant, householder, tenant or occupier thereof, the said inhabitant, householder, tenant or occupier shall be entitled to vote in respect of his occupation of such property, or part thereof, as aforesaid, and shall not be deprived thereof in consequence of his not having paid the same; and provided, also, that no such inhabitant, householder, tenant or occupier of a dwelling-house, part of a dwelling-house, warehouse, counting-house or shop, within the said City, shall be entitled to vote at any such election of Councillors, unless he shall, previous to the first day of January next before the holding of any such election, have paid the amount of all rates and assessments, and of every tax, duty or impost (drain accounts excepted,) lawfully imposed by any by-law, rule, regulation or order now in force, or that hereafter may be in force in the said City of Montreal, that may be due and payable by him in the capacity aforesaid, or as owner or proprietor of other lands, lots, houses, or other buildings, within the said City, either vacant or in the possession of tenants, householders or occupiers who have neglected to pay the assessment thereon, up to the first day of January next before the holding of any such election.

**Proviso.**

**Proviso: all rates and assessments shall have been paid.**

**Section 15 of 14 and 15 Vic. ch. 128, explained.**

V. And whereas doubts have arisen as to the true intent and meaning of that enactment of the fifteenth section of the Act last cited, whereby power is given to the Board of Revisors to correct any mistake, or supply any accidental omission made by the Assessors in the voters' lists, be it therefore declared, and further ordained and enacted, that the power so given shall not extend to the adding to, or erasing from, the said lists, or any of them, of any voter's name, unless a request be made in writing to that effect, in the manner and within the delay prescribed by the 14th section of the said Act: Provided, however, that nothing herein contained shall prevent the said Board from erasing from any of the said lists, the name of any person that may be proved to them to be dead at the time of the revision of the said lists, or of any person whose name

**Proviso.**

may have been erroneously included in any one or more lists, than the voter's list of the ward in which, according to the provisions of the 24th section of the said Act, he is alone entitled to vote; neither shall it prevent the said Board from correcting any mistake made in the Christian  
 5 or first name of any voter whose name is inserted on any of the said lists, or in the spelling of the surname of any such voter, or from adding to, or removing from, the said lists any second or intermediate name or names that may have been erroneously omitted from, or added to, the name of any voter thereon, or from correcting any obviously clerical error  
 10 in the name, residence, or occupation of any voter, in the said lists.

VI. And whereas it is necessary to make provisions whereby a poll or  
 contest may be avoided in certain cases where no division of opinion  
 exists amongst the electors in respect of the person intended to be  
 15 elected Mayor of the said City, or in respect of those intended to be  
 15 elected Councillors in any or all of the wards thereof; and it is also  
 necessary to provide, that the Candidates for any of the said offices shall  
 be publicly known, and that none others but those named, shall be or  
 may be elected; be it therefore enacted, that hereafter the twelfth day of  
 February, in each year or if that be a holiday, then the next following  
 20 not being a holiday, shall be, and the same is hereby fixed as the nomi-  
 nation day for all Candidates for the offices of Mayor of the said City,  
 and of Councillors for the several wards thereof; that at any time between  
 the hours of ten of the clock in the forenoon, and four of the clock in the  
 afternoon, of the said twelfth day of February, any five duly qualified  
 25 electors of the said City may deposit or file with the City Clerk thereof,  
 in his office, a demand or requisition that the person therein named be  
 elected Mayor of the said City for the next ensuing term of the said  
 office of Mayor, and that in the event of their being only one such de-  
 mand or requisition filed between the hours aforesaid, or that all the  
 30 demands or requisitions filed shall be for one and the same person, then  
 the Board of Revisors shall immediately after the hour of four of the  
 clock on the said twelfth day of February, proclaim the said person duly  
 elected Mayor of the said City, for the next ensuing term of the said  
 office; and any five duly qualified electors in any ward of the said City  
 35 may on the day aforesaid, between the hours aforesaid, deposit or file  
 with the City Clerk of the said City, in his office, a demand or requisi-  
 tion that the person or persons named therein, be elected Councillor or  
 Councillors for the said ward, in which the said requisitionists are  
 electors as aforesaid; and if there be only one demand or requisition  
 40 filed for the election of a Councillor or Councillors in any ward of the  
 said City, or if all the requisitions filed in any such ward be for the  
 election of the person or persons as Councillor or Councillors for the said  
 ward, then the said Board of Revisors shall immediately after four of the  
 clock on the said twelfth day of February proclaim the said party or  
 45 parties named in the said requisition or requisitions (as the case may be)  
 duly elected Councillor or Councillors for the said ward, for the next  
 ensuing term of the said office or offices; and each and every such elec-  
 tion made as aforesaid without dissent or division therein, shall be forth-  
 with published in at least one English and one French newspaper in the  
 said City, and the said Board of Revisors shall in due course report the  
 50 said elections to the Council of the said City. In the event of demands  
 or requisitions being deposited or filed by five or more duly qualified  
 electors as aforesaid for the election of two or more persons, as Mayor of  
 the said City, or as a Councillor or Councillors in any ward whereof,  
 55 a poll shall be granted for each and every such election by the said Board

**Recital.**

**Nomination  
 day for Office  
 of Mayor.**

**Publication of  
 election.**

of Revisors, and the said election shall be proceeded with in the manner heretofore and now done, in all cases of contested elections for the offices of Mayor of the said City, or of Councillor or Councillors in any of the wards thereof: Provided however, that no person may or shall be voted for at any such election or may or can be elected thereat, for whose election a demand or requisition shall not have been deposited or filed with the City Clerk on the 12th day of February aforesaid; And provided also, that it shall and may be lawful for the Mayor or for any Alderman or Councillor of the said City or for the Recorder or City Clerk thereof to administer the oaths numbers one and two included in the 27th section of this Act, or either of them to any person signing any demand or requisition as aforesaid for the election of a Mayor or Councillors, and it shall be imperative on them, to administer the said oath, upon any requisition to that effect of this kind mentioned in the said 27th section of this Act.

**Proviso.** VII. If after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said City, the Mayor of the said City, or in the event of his omission or refusal, the Council thereof, shall fix a day for the nomination of candidates for the said office, to be made at the place, in the form and manner, and between the hours, provided in the next preceding section of this Act; and the said Mayor or Council (as the case may be) shall at the same time fix a period, within which, the election for the candidates to be named, may subsequently take place, if necessary; And in the event of there being only one demand or requisition, made on the said nomination day, or of all the demands or requisitions made thereon, being for the same candidate, then the said party shall be proclaimed duly elected, in the form and manner already provided for; but in the event of their being two or more persons nominated for any such vacancy, a poll shall be granted, and the election shall be proceeded with, in the manner provided for, in and by the said Act 14 & 15 Vict., cap. 128.

**Proviso.** VIII. It shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two-thirds of the of the members thereof, to make By-laws, which shall be binding on all persons, for the following purposes:

**Peace and good order.** 1. For the preservation of peace and good order, and the suppression of vice in the said City; for the benefit of the trade, commerce and health thereof; to restrain and prohibit all descriptions of gaming, in the said City, and all playing of cards, dice or other games of chance, with or without betting, in any hotel, restaurant, tavern, inn or shop, either licensed or unlicensed in the said City; to prevent and punish any riot or noise, disturbance or disorderly assemblages; to give power and authority to enter into all groceries, grog-shops, taverns, hotels, and all other houses or places of public entertainment, whether licensed or unlicensed, in the said City, to detect and arrest on view such persons as may be found gaming, playing at cards, dice or other games of chance or in cock-fighting or dog-fighting therein contrary to any by-laws restraining or prohibiting the same, or making, causing or creating any riot, noise, disturbance or disorder therein; to restrain and punish vagrants, mendicants, street-beggars, common prostitutes and disorderly persons; to license, regulate or prohibit the exhibitions of common showmen, and shows of every kind, and the exhibitions of any natural or artificial curiosities, caravans, circuses, menageries and theatrical

representations ; to prohibit and to punish cock-fighting and dog-fighting, and all other cruel sports in the said City ; and also to prevent and punish horse-racing and immoderate driving or riding in the streets and highways thereof ; to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten horses, or to injure or annoy persons passing in or along the highways of the City, or to endanger property ; to compel all persons to remove the snow, ice and dirt from the roofs of the premises owned or occupied by them, and also from the sidewalks in front of such premises, and to punish them for not so doing ; to prevent the encumbering of the streets, sidewalks, squares, lanes, alleys or highways, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any other substance or materials whatsoever ; to prohibit and punish, or license or regulate, the sale or pedlary of fruit, nuts, cakes, refreshments, bread, jewelry and merchandize of all kinds, in and upon or along the wharves, streets, sidewalks, alleys and public squares of the City ; to compel the owner or occupant of any grocery, cellar, tallow-chandlers' shop, soap-factory, tannery, stable, barn, privy, sewer, garden, field, yard, passage or lot of ground, or any other unwholesome or nauseous house, or place whatsoever, to cleanse, remove, or abate the same, from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the said City ; to prohibit any person from bringing, depositing or leaving within the City limits, any dead body or any dead carcase, or other unwholesome or offensive substance ; and to require the removal of any such substance, or of any article or thing about or liable to become unwholesome, by the owner or occupant of any premises on which the same may be ; and on his default, to authorize the removal or destruction thereof by some city officer, and to recover the expense thereof, from the party or parties refusing or neglecting to remove or destroy the same.

Cruelty.

Cleaning roofs

Encumbering streets.

Pedlary.

Certain offensive trades.

Dead carcasses.

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

Offensive factories.

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

Animals running at large.

4. To authorize the seizure and confiscation of grain, flour, butter, potatoes and all other vegetables, articles and effects brought to the markets of the said City, for sale or otherwise, for or on account of deficiency in measure, weight or quality, or any other good and sufficient cause ; to regulate bakers in the said City of Montreal, and persons in their employ ; to regulate the sale, weight, and quality of bread to be sold or exposed for sale in the said City, and to provide for the exami-

Light weight.

nation and weighing of all bread exposed for sale, and for the seizure, forfeiture and confiscation, and also the disposal after confiscation of any and all such bread so exposed for sale contrary to the said by-laws, or that may be light or unwholesome ; and for that purpose to authorize and empower proper officers or persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing the same, and to do any other act or thing needful, necessary, or that may be deemed for the public benefit and security, to carry out such purpose, or to enforce such by-laws. 5

Carters.

5. To authorize the granting of licenses to carters, and owners and drivers of public vehicles for hire, in and for the said City, and likewise for the better government of the owners and drivers thereof, and to establish rules and regulations in reference to carts, cabs, caleches, carriages, or other public vehicles for hire, in and for the said City as well as to fix a tariff of rates and charges for the same; 15 and further, it shall be lawful for the said Council to make all such owners responsible for the misconduct or negligence of their servants, drivers, or persons in their employ, or having charge of their horses or vehicles for the time being, and liable to the same fines and penalties as are or may be imposed by any by-law or by-laws of the said Council 20 upon such servants or drivers, or other persons aforesaid, the actual offenders, any law, usage or custom to the contrary notwithstanding.

Streets, highways, sewers, &c.

6. To regulate, clean, repair, amend, alter, widen, contract, straighten, or discontinue, the streets, squares, alleys, highways, bridges, side and cross walks, drains and sewers and all natural water courses in the said City; and to prevent the encumbering of the same in any manner, and to protect the same from encroachments and injury; and also to determine the course of all natural water courses passing through private property in the said City, and to regulate all matters concerning the same, whether the said water courses be covered or not. They shall also have 30 power to direct and regulate the planting, rearing and preserving of ornamental trees, in the streets, squares and highways of the said City. The said Council shall also have power to cause such of the streets, lanes, alleys, highways and public squares, in the said City, or any part or parts thereof, as shall not have been heretofore recorded or sufficiently 35 described, to be ascertained, described and entered of record in a book to be kept for that purpose by the City Surveyor of the said City; and the same, when so entered of record, shall be public highways or grounds; and the record thereof shall, in all cases, be held and taken, as evidence of their being such public highways and grounds. 40

Sale of hay, coal, &c.

7. And whereas great inconveniences and loss have been experienced in the City of Montreal, in consequence of the sale of hay, coal, peat or turf, firewood, and other woods on wharves, streets, and other public places not allotted for that purpose, be it enacted that the said Council shall have power and authority to make and pass by-laws to regulate the 45 sale of hay, coal, peat or turf, firewood, and other woods, and the sellers thereof, and to prohibit, if deemed necessary, the sale of such hay, coal, peat or turf, firewood, or other wood, in all places other than public markets or public or private woodyards, or such places as the said Council may allot or appropriate for that purpose. 50

Duties on Insurance Agents.

8. And whereas doubts have been raised as to the power heretofore granted to the Council of the said City, to impose duties upon an Insur-



ance Agent, or Agents, for each and every Insurance Company, which he or they respectively represent, be it therefore declared that the said Council now hath, and shall henceforth continue to have, full power and authority to impose separate and distinct duties, on the Agent or Agents of Insurance Companies, for each and every Insurance Company, either foreign or domestic, which he or they may represent, or for which he or they may act as such Agent or Agents as aforesaid.

9. And the said Council shall have power to fix a tariff of fines and rates to be paid at Pounds now or hereafter to be established in the said City, in lieu of those fines and rates now paid at the same; any law or custom to the contrary notwithstanding. Public Pounds.

10. And the said Council shall have full power and authority to pass by-laws for the better observance of the Lord's Day, commonly called Sunday, in the said City of Montreal, and for that purpose to prohibit the selling, vending, or retailing, by store or shopkeepers, pedlars, hawkers, petty chapmen, hotel keepers, tavern keepers, or other persons keeping houses or places of public entertainment in the said City, and all other persons on the said Lord's Day, of goods, wares or merchandize, wines, spirits, or other strong liquors, or the purchasing or drinking thereof, in any hotel, tavern, or house or place of public entertainment in the City, by any person or persons; and the said Council may by any such by-law give power and authority to enter into all stores, shops, hotels, taverns, or other houses or places of public entertainment of any description, whatsoever in the said City, for the purpose of arresting on view such parties or other persons suspected of so selling, vending or retailing, or offering or exposing for sale or of purchasing or drinking as aforesaid. Observance of Lord's Day.

And by any such by-law, for any of the purposes aforesaid, the said Council may impose such fines not exceeding *five pounds*, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same. Penalties.

IX. The said Council shall have power, whenever, in its opinion, public convenience requires it, to sanction and permit the track of any railroad to be laid in or along any street or public ground; and to regulate the use of locomotive engines, and of steam or any other motive power on any or every portion of any railroad within the City, and to prescribe and regulate the speed of cars upon any and every part of such railroad; and to enact by-laws in pursuance of the powers hereby granted, imposing a penalty of not more than one hundred pounds upon the proprietors or corporations owning any such railroad, or their servants, for each and every violation of any such by-law. Regulation of Railways.

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

XI. The said Council shall have full power and authority to suspend or revoke all licenses granted to carters and owners, or drivers of public vehicles, in and for the said City; to ferrymen plying to and from the said City, to chimney sweeps, and generally all licenses whatsoever granted by the said Council, for any offence or cause of misconduct, or Suspending and revoking licenses.

violation of any by-law relating to or concerning such persons, holding any such licenses—or their trade, occupation, or business in respect of the same.

Mayor may sit in Recorder's Court.

XII. The Mayor of the said City for the time being shall have power to sit in the Recorder's Court of the City of Montreal, either alone or in conjunction with the Recorder thereof, or one or more of the Aldermen or Councillors of the said City, anything in the seventy-ninth section of the said Act to the contrary notwithstanding.

Recorder disqualified as Member of Legislative Council or Assembly.

XIII. From and after the passing of this Act, it shall not be lawful for any person, being a Member of the Honorable The Legislative Council or of the Honorable The Legislative Assembly of this Province, to hold the office of Recorder of the said City of Montreal; and any person being a member of either the said Legislative Council or Assembly, who may hold the said office of Recorder of the said City, shall thereby, *ipso facto* cease to be a member of the said Legislative Council or Assembly of this Province.

Recital.

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

Jurisdiction of Recorder's Court extended.

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

Prosecutions against joint owners or occupiers.

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

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

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

Mayor empowered to enforce his authority in certain cases.

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

Section 86 of 14 and 15 V., c. 128, repealed.

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

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

Penalty on such persons.

upon payment of the fine imposed ; any law, usage or custom to the contrary notwithstanding.

Punishment  
of persons re-  
sisting City  
Officers or  
Constables.

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

Certain pro-  
ceedings may  
be either by  
warrant or  
summons.

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

Recital.

XXI. And whereas it is enacted in and by the 74th section of the said Act hereinbefore cited, (14 and 15 Victoria, chap. 128,) that in all cases where the proprietors of the majority of the real estate in any street, square, or section of the City, that is to say, the proprietors of the larger part in value of the said real estate, and according to the then assessed value thereof may apply to the said Council for any specific local improvement in or to the said street, square or section, other than the repairing of the streets thereof, it shall be competent for the said Council to allow the same, and for the purpose of defraying and covering the cost of the said specific improvement, or any part thereof, which the said Council may determine to be borne by the parties interested in the same, the said Council is empowered to impose and levy, by by-law, a special rate tax, or assessment on all real estate, in the said street, square or section of the said City, benefitted or to be benefitted by the said improvement, according to the assessed value thereof, sufficient to cover the expense of the said improvement, in whole or in part, as the said Council may decide : but no provision is made in the said section to fix and determine what real estate in the said street, square, or section of the said City, is so benefitted or to be benefitted by the said improvement, or to apportion the said special rate tax, or assessment on the said real estate, as nearly as may be in proportion to the benefits resulting, or to result from the said specific improvement : be it therefore enacted that in all cases where land or property may have been taken and appropriated for any specific improvement, by virtue of the said in part recited seventy-fourth section of the said Act, or where the same may hereafter be taken and appropriated by virtue thereof, the sworn assessors of the said City shall, upon view of the premises, adjudge, fix, and determine the real estate in any such street, square or section of the said City, benefitted or to be benefitted by any such specific improvement heretofore made or hereafter to be made by virtue of the said section of the said Act, on the application of the proprietors of the majority

How pro-  
perty benefi-  
ted by any  
local improve-  
ment shall be  
ascertained.



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

Certain particulars to appear on voters lists.

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

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Recital.

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

Oath before delivery of certificate of right to vote.

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

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Penalty in case of bribery at elections.

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

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

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

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

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

Proviso.

Oath to be administered in certain cases.

Penalty upon refusal.

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#### Oath Number One.

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

Form of Oath.

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#### Oath Number Two.

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

Form of Oath.

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

False Oath to be perjury.

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XXIX. Hereafter no Auditor, elected or appointed under the said last

Oath of Office of an Auditor.

cited Act, shall be required to take an oath that he is holder of real or personal estate, as one of the qualifications for holding such office, but the following oath shall be administered to such Auditor by the Mayor, or any Alderman or Councillor thereof, or the City Clerk, to wit :

You (*name of Auditor*), having been elected Auditor for the City of 5 Montreal, do sincerely and solemnly swear, that you will faithfully fulfil the duties of the said office, according to the best of your judgment and abilities. So help you God. And no other oath shall be required of such Auditor, any thing in the said Act to the contrary notwithstanding.

Sec. 19 and 24  
of 14 and 15  
Vict. c. 128  
amended.

XXX. The nineteenth and twenty-fourth sections of the Act last cited 10 (14 and 15 Vict., chap. 128,) shall be and the same are hereby severally amended, by substituting in the said nineteenth section the words "sixteenth section," in place of "fifteenth section," and in the said twenty-fourth section the words "for the particular ward, in lieu of 15 "within the particular ward."

Section 33  
repealed.

XXXI. The thirty-third section of the Act last cited shall be and the same is hereby repealed.

Sect. 48 and  
49 amended.

XXXII. The forty-eighth and forty-ninth sections of the said last cited Act shall be and the same are hereby amended in so far as respects the manner of appointing a Chairman at any meeting of the said Council, 20 in the absence of the Mayor and acting Mayor of the said City, so that the said Council shall have full power and authority hereafter, in the absence of the said Mayor and acting Mayor, to choose any Alderman or Councillor to be Chairman at any such meeting; any thing in the said sections to the contrary notwithstanding. 25

Section 56  
repealed.

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

Special rate  
for Water  
Works.

XXXIV. Annually hereafter, between the tenth day of May and the tenth day of July or as soon thereafter as may be found expedient by the said Council, in each and every year, a special assessment not ex- 30 ceeding sixpence in the pound of the assessed yearly value of all real property within the said City shall be made and levied, by a by-law of the said Council, upon the owners, tenants or occupiers thereof, to be applied in defraying the expenses of the Montreal Water Works.

Additional  
Water rate  
when works  
are in readi-  
ness.

XXXV. In addition to the special assessment hereinbefore in the 35 next preceding section of this Act authorised to be made, and to be applied in defraying the expenses of the Montreal Water Works, it shall and may be lawful for the said Council of the said City when and so soon as they are prepared to supply the said City or any part thereof with water, to establish a tariff of rates for water supplied or ready to be 40 supplied in the said City from the said Water Works, which said tariff of rates shall be payable at the times and in the manner to be established in the said by-law, by all proprietors, occupants or others supplied with water from the said works, or whom the said Council are prepared and ready to supply with water from the said works; which tariff of 45 rates shall not however be made payable, before the water is ready to be supplied to the said proprietors, occupants or others, by the said Council; the said tariff of rates shall and may be made payable by all such proprietors, occupants or others, as well by those who refuse as by



those who consent to receive into their houses, stores or other buildings the water pipe to supply the said water; but the said tariff of rates shall not be payable by the proprietors or occupants of any such house, store or building, until after the said Council shall have notified them that they are prepared and ready to supply such house, store or building with water, and if from the time of such notification to the next period appointed for the payment of such tariff of rates, there shall be any broken period, then such tariff of rates shall be payable *pro rata* for such broken period as if accruing day by day; Provided that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Council and the work performed by the same, but the distribution of the said water through the said houses, stores or other buildings, after being introduced into them, shall be borne by such proprietors or occupiers if required by them.

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

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

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