

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: **Cover title page is bound in as last page in book but filmed as first page on fiche.**

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
										✓	
	12x		16x		20x		24x		28x		32x

No. 176.

5th Session, 8th Parliament, 29-30 Victoria, 1866.

PRIVATE BILL.

An Act to amend the Acts relating to the Corporation of the City of Montreal, and for other purposes.

Received and read, 1st time, Monday, 9th July, 1866.

Second reading, Tuesday, 10th July, 1866.

HON. MR. ATTY. GENL. CARTIER.

Printed by G. E. Desbarats.

An Act to amend the provisions of several Acts relating to the City of Montreal, and for other purposes.

WHEREAS the Corporation of the City of Montreal have, Preamble.
by their petition, asked for several changes to be made in the provisions of the Acts of incorporation of the said city, and it is expedient to accede to the prayer contained in the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the passing of this Act, the delay granted to persons qualified to vote at the election of Mayor and Councillors of the said city, to produce and deposit their certificates of qualification to that effect, and vote, shall be from nine o'clock in the forenoon until five o'clock in the afternoon of the last four judicial days in the month of February of each year. Time of election of Mayor &c., altered.

2. Every male person being the owner of real estate in more than one ward of the said city, and every male person being the occupant of an office or place of business in one of the said wards, and being the occupant of a dwelling-house or the owner of real estate in any other ward or wards, shall have the right to vote, for the election of Councillors only, in any ward wherein they own real estate, or occupy a dwelling-house, as also in the ward wherein such person or persons shall keep an office or place of business ; and such person or persons shall be inscribed in the voters' list for each of the said wards ; provided such person or persons be otherwise qualified and within the requirements of the law. Proprietors to vote in every ward where they own real estate, &c.

3. The seventh and eighth sections of the Act passed in the fifteenth year of Her Majesty's Reign, (14 and 15 Vic. cap. 128) are hereby amended in so far as they enable the Mayor, Aldermen and Councillors of the said city to qualify on personal estate ; and henceforth the Mayor and Aldermen shall not be capable of being elected, unless they are, during the six months immediately preceding the day of their nomination, seized and possessed, as proprietors, of real estate within the limits of the said city, of the value of one thousand pounds, currency, after payment or deduction of their just debts ; and the Councillors shall not be capable of being elected, unless they are, during the six months immediately preceding the Qualification of Members of Council altered to real estate only.

day of their nomination, seized and possessed, as proprietors, of real estate within the limits of the said city, of the value of five hundred pounds, said currency, after payment or deduction of their just debts; and the form of oath inserted in the thirty-ninth section of the Act fourteenth and fifteenth Victoria, Chapter, one hundred and twenty-eight is hereby amended by striking out therefrom all that relates to personal estate. 5

Declaration to be filed.

4. No person shall enter in office as Mayor, Alderman or Councillor of the said city, unless he shall have previously deposited and lodged in the hands of the City Clerk, a declaration signed by himself, establishing the fact of his being qualified in accordance with the provisions of the next preceding section, and containing a detailed description of the real estate on which he qualifies himself. 10

What if property on which a member has qualified changes hands, &c.

5. In case the Mayor or any Alderman or Councillor shall cede or make over, in any manner whatsoever, the real estate on which he shall have qualified himself, or shall mortgage or encumber the same, so as to affect the amount required for his qualification, it shall be lawful for any two electors duly qualified to vote at the election of the said Mayor, Alderman or Councillor respectively, to present a Petition to the Council of the said city, requiring the said Mayor, Alderman or Councillor, as the case may be, to produce the title of such other immovable property as he may qualify upon; failing which, his seat shall become vacant. 15 20 25

Persons indebted for city taxes not eligible as a member of Council.

6. No person shall be capable of being elected a member of the Council of the said city, who may be indebted to the said city for taxes, assessments or water rates (drain accounts or special assessments in cases of expropriation excepted) or is a party to, or interested in, any law suit or judicial process whatsoever, the amount of which shall exceed one hundred dollars currency and wherein the Corporation of the said city shall appear as plaintiff or defendant. 30

Other cases of disqualification.

7. Any member of the said Council who shall, directly or indirectly, become a party to, or security for, any contract or agreement to which the Corporation of the said city is a party, or shall derive any interest, profit or advantage from such contract or agreement, shall thereby become disqualified and lose his seat in the said Council. 35

City Council authorized to decide cases of disqualification.

8. The Council of the said city is hereby authorized to finally and without appeal adjudicate upon the qualification of its members; and in case any of its members shall fail in any one or more of the qualifications required by the Statutes concerning the incorporation of the said city, the said Council is hereby vested with all the requisite powers to adjudicate upon such question and to delegate three or more of its members to make an inquiry to that effect; and upon their report, the said Council 40 45

cil, if of the opinion that such member fails in any of the requisite qualifications, shall pronounce such member's seat forfeited, and thereupon such member shall cease to form part of the Council of the said city.

5 **9.** In case of absence of the City Treasurer by sickness or otherwise, the City Council may appoint a person to act as such Treasurer during the said absence.

Acting City Treasurer to be appointed in certain cases.

10 **10.** The *thirty-eighth* section of the said Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, is hereby repealed.

38 Sec. of 14 and 15 Vic. cap. 128 repealed.

15 **11.** At the quarterly meeting of the said Council to be held in the month of December next, one thousand eight hundred and sixty-six, the said Council shall elect, by a majority of votes, a person to be, and who shall be named the "Auditor of the City of Montreal," whose duties and attributions shall be prescribed by a by-law which the said Council is hereby authorized to pass; Provided always, that no member of the said Council, nor the city clerk, nor the assistant city clerk shall be capable of being elected *Auditor* as aforesaid; Provided also, that any vacancy in the office of the Auditor may be filled by the said Council, by an election to be made in the manner and in conformity with the provisions hereinbefore made, at any subsequent quarterly or special meeting.

Auditor.

25 **12.** A majority in value of the proprietors interested in or subject to a special assessment may, by a declaration to that effect, to be signed by the said proprietors, object to the carrying out of any improvement, by submitting such declaration to the Commissioners named, for the purposes of the said improvement, by the court or any judge, as the case may be, two days at least before the day fixed on which to proceed with the valuation; and in that case, instead of proceeding with the valuation on the day appointed, the said Commissioners shall ascertain and determine, without any appeal, if, in reality, the signers of the said declaration constitute the majority in value of the said parties interested, (the said value as set forth and established in and by the general assessment roll immediately preceding such declaration,) and if they find that such majority are opposed to the improvement, they shall report the fact to the Court or Judge, as the case may be, on the day appointed to receive their report of valuation, and the proceedings in expropriation shall *ipso facto* be annulled; if, on the contrary, the said Commissioners determine that a majority in value of the parties interested have not signed the said declaration, they shall appoint a day on which to proceed to determine the value of the real estate subject to expropriation, of which they shall give notice by publication in one newspaper in the French language, and one newspaper in the English language, in the said city.

Majority of proprietors interested in any improvement may object to its being carried out &c.

Commissioners
to make out
special assess-
ment in cases
of local im-
provement.

13. The twenty-second and twenty-fifth Sections of the Act twenty-seven and twenty-eighth Victoria, Chapter sixty, are hereby repealed; and it is enacted that the said Commissioners, at the same time that they determine and fix upon the amount of the price, indemnity or compensation for each and every the pieces or parcels of ground required by the Corporation of the said City, for purposes of improvements, shall also proceed to assess and apportion, in such manner as to them may appear most reasonable, the price or compensation, indemnity or damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate, which shall have been benefited or may hereafter be benefited by such improvement; and the said Commissioners shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said Commissioners shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, irrespective of buildings thereon erected, taking into account the size of the said pieces or parcels of ground or real estate and the benefit to be derived from the said improvement; and two of the said Commissioners shall have full power to act for the purposes of the said special assessment, in case of a diversity of opinion, and their decision shall have the same force and effect as if the three Commissioners had concurred therein.

23 Sec. of 27 &
23 Cap. 60,
amended.

14. The *twenty-third* Section of the said Act twenty-seventh and twenty-eighth Victoria, Chapter sixty, is hereby amended by striking out the words "*along with a plan or map designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment;*" and by substituting the word "*Commissioners*" for the word "*Assessors*" wherever the latter word occurs: but the provisions contained in the two next preceding sections shall not apply to cases where the Commissioners shall have commenced the proceedings of expropriation at the time of the passing of this Act.

Commissioners
to be appointed
to assess in
certain cases.

15. When the Corporation of the said City, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, shall have acquired by amicable arrangement and without having recourse to proceedings in expropriation, all the pieces or parcels of ground required for the said improvement, (hypothesis under which, before the repeal of the Sections of the said Act twenty-seventh and twenty-eighth Victoria, Chapter sixty, hereby abrogated, the City Assessors were held to assess and apportion, without limitation as to time, the cost of the improvement upon the real estate benefited) the said Corporation shall, by a petition to be addressed to the Superior Court or to any Judge thereof, in

vacation, cause to be appointed three Commissioners for the special purpose of making and determining the apportionment or special assessment to cover the cost of the said improvement, in whole or in part, as the case may be; and the said Commissioners shall make such apportionment or special assessment in the manner specified in the foregoing sections.

16. The seventeenth section of the said Act, twenty-seventh and twenty-eighth Victoria, chapter sixty, is hereby amended, and hereafter all the powers conferred upon the Superior Court by the said section to call forth the creditors and issue such orders as regards the distribution of the price or indemnity, shall be exercised with as much validity by any of the Judges of the said Court during the vacation and out of term.

17 Sec. of 27 &
28 Vic. cap. 60,
amended.

17. The delay of five years fixed by the *seventy-fifth* section of the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight for the sale of real estate, in case of non payment of the assessments due thereon, is hereby reduced to two years.

Delay within
which real
estate may be
sold in certain
cases.

18. Whereas it is expedient to make provisions for consolidating the floating debt of the said City and for placing the financial affairs of the said City on a better footing, by providing means for paying off the said debt, by means of a sinking fund: be it therefore enacted that it shall be lawful for the said corporation to borrow, by and through the issue of debentures, a sum not exceeding four hundred thousand dollars to pay off and extinguish the said floating debt; and the provisions of the *second* section of the Act sixteenth Victoria, chapter twenty-six and of the *twelfth* section of the Act twenty-ninth Victoria, chapter fifty-eight, relating to a sinking fund, shall apply to the loan authorized by the present section.

Loan of
\$400,000 to pay
all floating
debt.

19. It shall be lawful for the said corporation to borrow, by means of debentures to be issued for that purpose, a sum of one hundred and seventy-five thousand dollars to be applied exclusively to the amelioration of the *Water Works* of the said city, a portion of which sum, viz: one hundred thousand dollars shall be specially applied to the extension of the reservoir, and seventy-five thousand dollars to provide against unforeseen accidents which may occur in the winter season, and for no other purposes; and the provisions of the *second* section of the Act sixteenth Victoria, chapter twenty-six, and of the *twelfth* section of the Act twenty-ninth Victoria, chapter fifty-eight in relation to a sinking fund, shall apply to the loan authorized by the present section.

Loan of
\$175,000 for
water works.

20. This Act shall be deemed a Public Act.

Public Act.