SUPPLEMENT TO

The Protector.

Charlottetown, Prince Edward Island, Wednesday, April 22, 1857.

MUNICIPAL CORPORATIONS BILL.

IN THE HOUSE OF ASSEMBLY, March 24, 1857.

A Bill to provide for the better internal Government of this Island by the establishment of Local or Municipal Authorities therein.

Ordered, That the further consideration of the above recited Bill be deferred until the next Session, and that it be printed in all the weekly papers published in Charlottetown, and that three hundred copies of the same be printed for the use of the Legislature.

JOHN McNEILL, C. H. A.

WHEREAS for the better protection and management of the local interests of Her Majesty's subjects in this Island, and for the advancement of the internal prosperity thereof, it is expedient and necessary that Municipal Authorities be established in the several Electoral Divisions therein. Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows:—

I. The Town and Royalty of Princetown and Lot Eighteen, Georgetown and Common and Royalty, and the reserved lands adjacent thereto, and each Electoral District in this Island, as defined by the Act of the nineteenth Victoria, chapter twenty-one, shall be and are hereby severally and respectively declared and constituted each a separate and distinct Body Corporate or Municipality, and as such shall have perpetual succession, and a common seal, with power to break, renew and alter the same at pleasure; and shall be capable, in law, of suing and being sued, and of purchasing and holding lands and tenements situated within the limits of their respective Municipalities, for the use of the inhabitants thereof, and of making and entering into such contracts and agreements as may be necessary for the exercise of their corporate functions; and the powers aforesaid shall be used and exercised by, through and in the name of the Council of every such Municipality: Provided always, that it shall not be lawful for any such Municipality to exercise any other powers of a Corporation, except such as are herein mentioned, or such as shall be necessary for the due execution of the powers herein mentioned.

II. There shall be in every such Municipality a Council, which Council shall consist of a Warden and Councillors, to be elected as hereinafter provided.

III. The first election, after the passing of this Act, of Councillors to serve in the respective Municipalities hereby constituted, shall be conducted and made in manner following, that is to say:—The High Sheriff of the respective Counties in this Island shall by himself and his sufficient Deputy, or Deputies by him named for that purpose, on the third Monday in January next, after the passing of this Act, hold elections in the said several Municipalities, for the election of one Councillor for each Township in this Island, and of two Councillors for Princetown and Royalty, two Councillors for Georgetown, and one Councillor for the Royalty and Common of Georgetown, and the Reserved Lands adjoining the said Royalty; and of such elections the several High Sheriffs as aforesaid shall give notice in the public Newspapers, published in Charlottetown, and by advertisement in the several Municipalities, for at least twenty days previous thereto; and all the male or female inhabitants of the age of twenty-one years and upwards, who shall have resided in any Municipality for at least one year then next preceding, and being British subjects, and each of whom shall actually, and within the District for which he or she shall then vote, have paid, or be liable to pay school or land assessment, shall be entitled to vote at said elections for such Councillors in such Municipality respectively; and the Sheriffs of the several Counties in this Island shall by themselves or their sufficient Deputy or Deputies as aforesaid, in case no scrutiny be demanded, declare, as duly elected, the persons having the majority of votes in their respective Municipalities throughout the Island, and those persons so declared by the Sheriffs or Deputies as having the majority of votes as aforesaid, shall be deemed and held the Councillors for the several Municipalities respectively; and all the necessary expenses incurred for holding the said first elections of Councillors throughout the Island shall be paid out of the public Treasury of this Island, and the expenses of all subsequent elections shall be paid out of the funds of the Municipalities: Provided always, that all the said elections shall take place on the same day and hour in the several Municipalities in the said Island, and shall be conducted by open voting in public, in manner practised in the election of members for the General Assembly; and any person whose right to vote thereat shall be questioned at the time of offering his vote, shall take the following oath before the Presiding Officer, who shall receive or take down his vote, which oath the Presiding Officer is hereby authorised and empowered to administer, that is to say:—"I do solemnly swear that I have resided in the Township of (or Town and Royalty or Reserved Lands, *as the case may be*), for one year now next preceding, and that I am of the age of twenty-one, and a British subject, and am duly qualified to vote at this election, within this Township, (or Town and Royalty or Reserved Lands, *as the case may be*.)

So help me God."

And the Presiding Officer shall, before administering the said oath, distinctly read over the qualification required by this Act, for every such person so claiming to vote, to such person, and also shall mark every such oath as having been sworn on his book; and the said elections shall continue open not longer than one day, and shall be closed at five o'clock in the afternoon, unless previously closed by proclamation, when a vote shall not have been polled for an hour; and the respective Presiding Officers shall, at the close of each election, declare the majorities; and in case any person who shall have voted at the same election, shall then publicly demand a scrutiny of the election of any one or more Councillors, the Presiding Officers shall note such demand on their books, and every such scrutiny, if persevered in, shall be finally determined by the judgment of the Councillors elect, whose elections are not disputed, and who shall have power to hear witnesses on oath; and if any of the said Councillors shall not attend, the remainder of the Councillors shall act; but if three cannot be procured, then the High Sheriff or some fit person, by him nominated, in writing, associated with any two of the Councillors or any two of the other Presiding Officers, shall hear and determine such scrutiny as aforesaid. Provided that no votes shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutinies shall be proceeded with on the next day after the close of said elections, and thenceforth day by day (Sunday, Christmas-day and Good Friday excepted), until all the said scrutinies, if more than one, shall be determined, no one scrutiny being allowed to occupy more than two days, and the Sheriffs or their Deputies or persons so appointed by them to act in such scrutinies, shall therein be governed by the decision made on such scrutinies; and the further proceedings hereinbefore provided shall thenceforth be had, as in cases where no scrutiny occurred; and the respective Sheriffs shall forthwith notify the successful candidates of their election.

IV. At all elections to be held under the provisions of this Act, any elector who may reside on any Peninsula or Island, within this Island, shall and may vote in the Polling Division nearest to his or her place of residence: Provided always, that such Polling Division be in the Municipality for which such person is entitled to vote.

V. The several Councillors, after having been declared duly elected by the Sheriff as aforesaid, and notified in writing to that effect by the Sheriff, shall meet at the Court House of the County on the first Tuesday in March next after such election, and there appoint and elect a Warden from among their own number for each Corporation, and shall then agree on some central place in their respective Municipalities for holding meetings for the transaction of such business as this Act directs: Provided always, that the several Councillors shall respectively, before proceeding to elect their Warden, take and subscribe the oath in Schedule (A) to this Act annexed, before a Justice of the Peace, who is hereby authorised and required to administer the same.

VI. The said Councillors shall, at their first meeting at the central place agreed on as aforesaid, appoint fit and proper persons to serve as Clerks and Treasurers in their respective Municipalities, which offices of Clerk and Treasurer may be held by one and the same person; and the Clerks so appointed shall remain in office until new Councillors shall, in the next year, have been elected and sworn in: Provided always, that such Clerks and Treasurers shall, before entering on their respective duties, take the oath as prescribed in Schedule (B) to this Act annexed, before the Warden or the Chairman appointed in his stead as hereinafter mentioned.

VII. On the third Monday in January, in the year of our Lord one thousand eight hundred and fifty , and on the same day, in every succeeding year, the inhabitants of the several Municipalities, qualified to vote throughout the Island, shall openly assemble in their respective Municipalities, and elect, from persons qualified as this Act requires, Councillors for the respective Municipalities; and the Warden in office at the time of such election shall remain in office until another be chosen in his stead, or until he himself be re-appointed; and it shall be the duty of the Clerks of the respective Councils in every Municipality, on the first day of January in every year, to post up in conspicuous places in each Electoral District, Town, Royalty and Reserved Lands in this Island, notices of the time and place of holding such elections, which notices shall also contain the names of the person or persons appointed by the Warden and Council as hereinafter mentioned, to hold such elections.

VIII. The election of Councillors to be held, as aforesaid, on the third Monday in January, which will be in the year of our Lord one thousand eight hundred and fifty , and all subsequent elections of Councillors, to be had under the provisions of this Act, shall respectively be held by and before such person or persons as may be appointed by the Warden and majority of the Councillors of each Municipality, or, in case of vacancy in the office of Warden, by the Councillors of the said Municipalities.

IX. At all elections of Councillors, as last aforesaid, the poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day, and the name of each elector voting at such election shall be written in poll lists under appropriate heads, to be kept at such election by the officer holding the same; and after finally closing the poll at any such election, the officer or person by whom the said shall be held, shall forthwith proceed publicly to declare the number of votes given for each candidate, and shall declare the person or persons having the majority of votes to be duly elected; and if there should be at the final closing of the poll as aforesaid an equal number of votes polled for two or more persons, it shall be lawful for the officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the poll list kept at such election shall, by the officers or persons holding the same, be delivered, within three days after the conclusion of every such election, to the Clerk of the Municipality, to remain in his office, where they shall be open to inspection by any elector on payment of a fee of one shilling: Provided, that in case a scrutiny be demanded, every such scrutiny, if persevered in, shall be finally determined by the Council of the Municipality, by the judgment of the Warden and Councillors, or any three of them, whose elections are not disputed, and who shall have power to hear witnesses on oath, and in the event of the death or absence of the Warden, to appoint a chairman, with right to vote and, if need be, to give a casting vote: Provided that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutinies shall be proceeded in as early as practicable after the close of such elections, and thenceforth day by day (Sunday, Christmas day and Good Friday excepted), until all the said scrutinies in rotation, if more than one, shall have been determined; no one scrutiny being allowed to engage more than two days.

X. On the first Monday in February in every succeeding year after such first election, the Clerks of the respective Councils throughout the Island shall, at the place appointed for holding the Municipal meetings, attend and administer the oaths to each councillor, as prescribed by this Act in the Schedule (A) hereunto annexed; and the Councillors when sworn shall respectively elect and appoint a Warden, Clerk and Treasurer for their respective Municipalities, and such Clerk and Treasurer (being one or more persons as aforesaid) shall remain in office every year until the annual election or re-election of a Warden.

XI. No person shall be eligible as a Councillor for any Municipality in this Island, unless such person be resident within the Township, Town, Common, Royalty or Reserved Lands, for which such person shall be elected; nor unless such person be seized and possessed of freehold or leasehold estate of the value of pounds, over and above all charges and incumbrances affecting the same.

XII. All moneys voted by the Legislature for the building, erection, repair and improvement of roads, bridges, wharfs and other public works, or purposes within the limits of any Municipality, shall be paid into the hands of the Road Correspondent for the time being, who shall disburse the same as hereinafter mentioned, and shall account for the said moneys at the same time, and in such manner as he is by law required to account for other public moneys paid into his hands.

XIII. Each Municipal Council shall annually forward to the said Road Correspondent, to be by him laid before the Executive Council, a detailed statement of the amount of money intended to be expended during the year, within the limits of each Municipality, together with the names of the persons to whom the expenditure of such moneys is to be entrusted, and such statement shall be signed by the Clerk, and countersigned by the Warden of the Municipal Council; and the said Road Correspondent shall, from time to time, pay the said moneys to the order of the Councillor or Councillors representing the particular Township, Town, Royalty or Common, or Reserved Lands, in which such moneys are to be used and expended.

XIV. The present Road Commissioners, now in office throughout the Island, unless in the meantime superseded or suspended by the Lieutenant Governor, or other Administrator of the Government for the time being, in Council, shall hold their appointments until the establishment of Municipal Councils in the several Municipalities throughout the Island, and each Municipal Council in this Island shall and may exercise all the powers, privileges and authority, vested in Road Commissioners, by the Act of fourteenth Victoria, chapter sixteen, intituled "an Act to consolidate and amend the Laws relating to Statute Labor, and the expenditure of public moneys on the Highways."

XV. Each of the said Councils in the said Municipalities respectively, shall have power to make bye-laws for all or any of the following purposes, that is to say:

For collecting all road rates, as now established by law, and for the appointment of Road Overseers for each Township, Town, Common and Royalty and Reserved Lands, and for the erection, preservation and repair of all such new or existing bridges, within the limits of each Municipality, as shall not be under the charge of the Board of Works.

For the purchase of such real property, situate within the limits of such Municipality respectively, as may be required for the use of the inhabitants thereof; and for the sale of such part or parts of the real property belonging to such Municipalities as may have ceased to be useful to the said inhabitants.

For the superintendence and management of all property belonging to the said Municipalities respectively.

For raising, assessing, collecting, suing for, levying and appropriating such monies as may be required for the support of any indigent, infirm or helpless persons, resident in their respective Municipalities; for the encouragement of agriculture; for the payment of their own officers, and generally for the purpose of carrying into effect all or any of the objects for which the said Councils in their several Municipalities respectively are hereby empowered to make bye-laws: Provided such assessment shall not exceed the sum of five shillings per hundred acres, on every hundred acres of land in this Island, and in like proportion for any quantity of land less than one hundred acres; nor one shilling and sixpence for each Town Lot, Water Lot or Pasture Lot, not having any buildings thereon liable otherwise to assessment under this Act; nor for dwelling houses, stores, mills, taverns, distilleries or mercantile establishments, not having more than twelve acres of land attached thereto, the rate or sum of two-pence in the pound on the yearly value thereof.

For imposing, determining and recovering reasonable penalties to be recovered from such persons as having been elected to office, as hereinbefore provided, shall refuse to serve the same, or refuse and neglect to take and subscribe the oath of office, or to attend at the meetings of Councillors after the first or other elections, as hereinbefore mentioned.

For determining the amount and manner, and time of payment of all salaries or other remuneration of officers, to be appointed under the authority of this Act.

For providing for any other matter, purpose or thing, which shall be specially subjected to the direction and control of the said Councils respectively, by any Act of the Legislature of this Island: Provided always, that it shall not be lawful for any such Council, as aforesaid, to impose, lay or levy, any rate or assessment whatever, on any lands or tenements, goods or chattels, real or personal, belonging to the Government of this Island, or on any land purchased under the Land Purchase Act and unsold, or on any church, chapel, school-house or other public building, or on any land set apart or granted to the Indians.

For appointing Fence Viewers and erecting Pounds, and for the preventing of running at large of horses, bulls, cattle, geese and swine.

XVI. Each Municipal Council shall annually appoint one or more fit and proper persons to be Assessors in and for each Municipality; and such Assessor or Assessors shall annually, and at a time to be appointed by each Municipal Council, assess the owners, occupiers and proprietors, of all buildings, situate in the several Municipalities, occupied as dwelling houses, stores, mills, taverns, distilleries or mercantile establishments, whereunto not more than twelve acres of land are immediately attached, as aforesaid, and shall fairly and justly estimate and determine, as nearly as practicable, the fair annual value of all such buildings, as aforesaid, in the possession of each particular person; and the said Assessors shall also, at the time named by the members of Council, deliver or cause to be delivered, to the Clerk of the Council, in writing, a correct detailed account and return of such estimate and determination, signed by such Assessors, and verified by affidavit, in the form in the Schedule (C) to this Act annexed, and sworn before any Justice of the Peace in the Island.

XVII. Any such estimate, determination or return, of the annual value of all or any such buildings, as aforesaid, when made and returned, as required by this Act, and lodged with the Clerk of the respective Councils, shall be binding and conclusive on the several persons therein named, and owning or occupying the same; and the several rates or sums therein specified, shall be the rates or sums which the said several persons shall, for the year in which such return is made, be respectively liable to pay, unless appealed from, as hereinafter provided for, and shall be recoverable as hereinafter mentioned.

XVIII. Within ten days after his appointment, each Assessor shall take the oath prescribed in the Schedule to this Act annexed, marked (B), before the Warden or any one of the Councillors of the Municipality, who are hereby authorised and empowered to administer the same.

XIX. Each Municipal Council may appoint one or more Collectors in and for each Municipality, which Collector or Collectors shall give security for the faithful performance of his or their duties while in office, in the form as in the Schedule to this Act annexed, marked (D); and such Collectors shall, when required by the Council, collect the amounts of land tax and assessment due from each person liable to pay the same, or take proceedings for the recovery thereof, as hereinafter mentioned, and pay over the amounts received by him with an account thereof, to the Treasurer or other person appointed by the Council to receive the same.

XX. The Clerk of the Councils in the respective Municipalities shall forward to each Collector a correct copy of the Assessors' Return, and all persons holding property, liable to be assessed, shall be entitled to inspect such copy when so forwarded to the Collector.

XXI. All taxes and assessments to be imposed on lands or buildings under the provisions of this Act, shall be and become due and payable on the first day of June in every year, and the Warden of each Municipal Council shall, at least one calendar month previous to the said first day of June, cause an advertisement to be inserted in the *Royal Gazette*, and notices to be posted up in the Municipality, calling for the payment of such tax and assessment into the hands of the Collector who shall proceed forthwith to collect the same: Provided, that if any person assessed as herein mentioned, shall refuse or neglect to pay his proportion of the tax or assessment so determined as aforesaid, the Collector may levy the amount of such assessment on the goods or chattels of the defaulter, by seizing the same, which goods and chattels shall be irrepleviable, and may be sold at auction by the Collector after he has given at least six days' notice of such sale; and if any amount remain in the hands of such Collector, after paying the sum so assessed, together with the amount of expenses so incurred in seizing, advertising and selling the same, and other incidental charges, such amount shall be paid to the owner of the goods and chattels.

XXII. Any person so assessed, or his agent, may, within six days after such return made as aforesaid, give to the Collector a written notice of his intention to appeal from the said assessment, and such assessment shall be reviewed before the proper Municipal Council in such way or manner and at such time or times as the said Council may see fit, ten days notice of such revision being given by the Clerk of the Council to the appellant; provided that the decision of the Council on such revision shall be final and conclusive.

XXIII. Any such estimate or return when made and returned as required by this Act to the Clerks of the Municipal Councils, shall be binding and conclusive on the several persons therein named, and the several rates or sums therein specified shall be the rates and sums which the several persons shall, for the year in which such return is made, be respectively liable to pay.

XXIV. It shall be the duty of the Clerk of every municipality to keep books in which he shall enter the amount of all taxes and assessments received, and the names of the persons having paid the same; and also the amount of all taxes unpaid, and the names of the persons liable to pay the same, or the land and buildings, with a description thereof, on which the same may be due, and he shall, on the first day of August in every year, complete and balance his books, by entering against each parcel of land the arrears, if any, due at the last settlement, and the taxes of the preceding year which may remain unpaid, and he shall ascertain and enter therein the total amount of arrears, if any, chargeable upon the land at that date.

XXV. At the balance to be made on the first day of August in every year, as aforesaid, if it shall appear that there is any arrear of tax, due upon any parcel of land, the Treasurer shall add to the whole amount then due ten per cent. thereon.

XXVI. It shall be lawful for the Clerk, under the direction of the Council, whenever there is sufficient distress on the lands of non-residents in arrear for taxes, to issue a warrant, under his hand and seal, to a Collector of the Municipality, who shall thereby be authorised to levy the amount due upon any goods and chattels found upon the land, in manner as directed in the section of this Act.

XXVII. Whenever a portion of the tax on any unoccupied land has been due for three years, the Clerk of the Municipality, under the direction of the Council, shall issue a warrant, under his hand and seal, directed to the Sheriff of the County, commanding him to levy upon the said lands for the amount of arrears due thereon, with his costs; and after the issuing of the warrrant the Treasurer shall receive no payment on account of the sums contained in the warrant. Provided always, that the Council of the Municipality may, at their discretion, direct that no such warrant shall issue to the Sheriff until some portion of the arrears shall have been due for such other period longer than three years, as the said Council may, by bye-law, prescribe; and also, that they may direct such parcels of the land only to be included in the warrant as are chargeable with an arrear of tax exceeding a certain sum to be determined by such Council.

XXVIII. Immediately upon receipt of the warrant, the Sheriff shall prepare a list of all the lands included therein, and the amount of arrears due on each parcel, and shall cause the same to be published for the space of at least six months in the *Royal Gazette*, which advertisement shall contain a notification, that unless the arrears be sooner paid, he will proceed to sell at the County Court House, the said lands, for the taxes, on some day to be named in the advertisement, which day shall be more than six months after the first publication thereof; and he shall add to all the arrears so published, the proportionate shares of the cost of publication, according to their amounts respectively; and the sheriff shall also post a notice similar to the advertisement hereby required in some convenient and public place in the Township, Town, Common, Royalty or Island in which such lands are situate, at least three weeks before the time of sale.

XXIX. At any time after the receipt of the warrant, if the sheriff shall have good reason to believe that there is distress upon any parcel of land included therein, he shall levy the arrears of taxes and the costs by distress and sale of any goods and chattels found on the land, in the same manner and subject to the same provisions as is required by the section of this Act; but no subsequent sale of any such parcel of land by the sheriff shall be held to be illegal or invalid, by reason of their having been any goods or chattels thereon before or at the time of the same, and the sheriff having neglected to levy the tax by the distress and sale of the same: Provided always, that on the sale of any land under the provisions of this Act the sheriff shall at the time of sale describe the said land as nearly as practicable by metes and bounds.