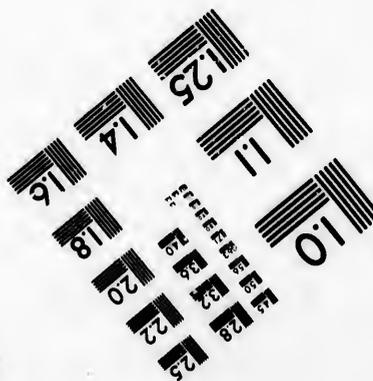
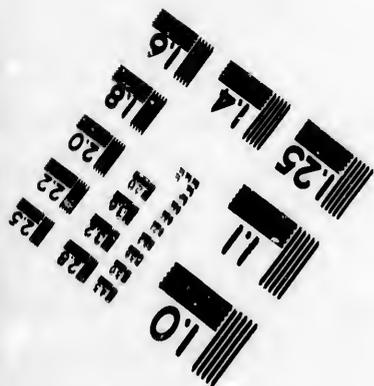
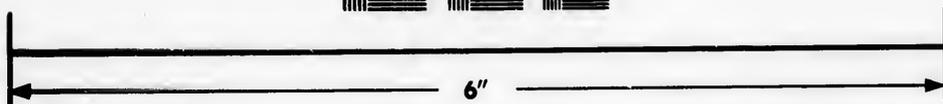
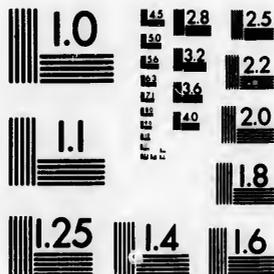


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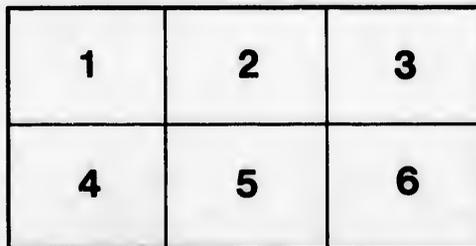
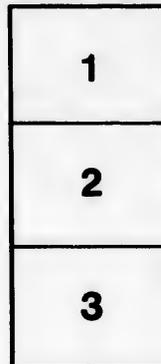
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OF THE

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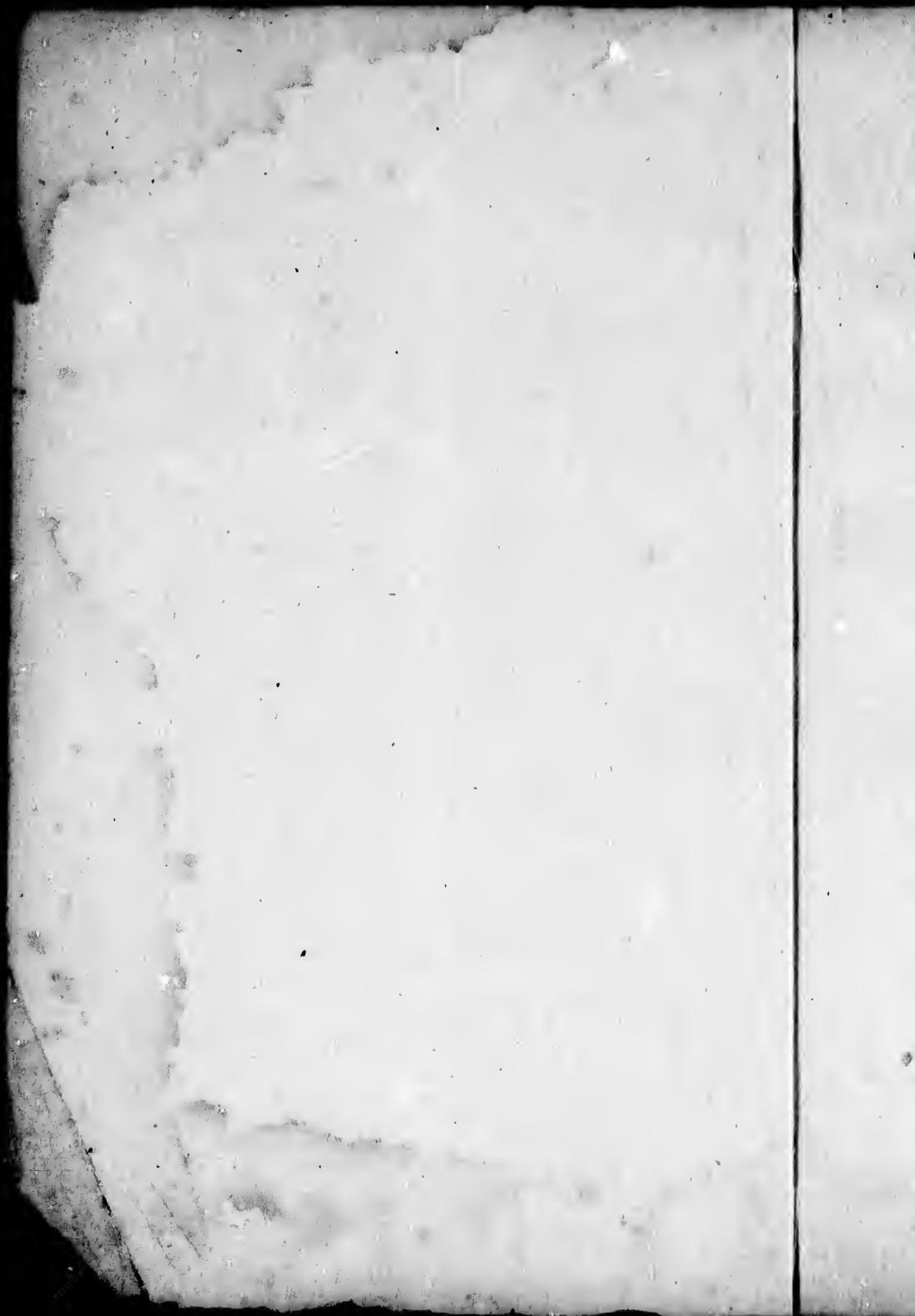
ACT OF INCORPORATION,

APPENDIX, &c.

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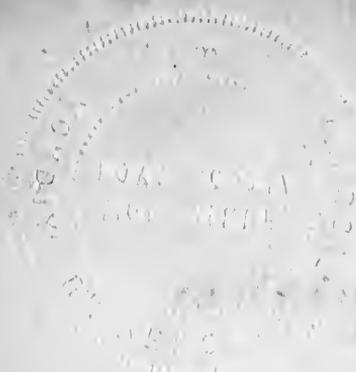
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**Town of Truro,**

ACT OF INCORPORATION,  
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TRURO, N. S. :  
W. B. ALLEY, BOOK AND JOB PRINTER.  
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# AN ACT

## To Incorporate the Town of Truro.

PASSED THE SIXTH DAY OF MAY, A.D. 1875.

*Be it enacted by the Governor Council, and Assembly,  
as follows :*

1. The inhabitants of the Town of Truro, within the limits hereinafter defined, are constituted a body corporate and politic by the name of the "Town of Truro."

2. They shall, as a corporation, have perpetual succession and a common seal, changeable at pleasure, and shall be capable of suing and being sued in all Courts of Justice, and of acquiring, holding, and conveying any description of property, real personal, or mixed, and shall have all the other rights usually had or enjoyed by corporations.

The Town of Truro shall be bounded as follows, that is to say :

Beginning on the Salmon River at or as far down as the west line of David Fulton's farm, thence southwardly by such line to the rear base line of the long front lots, thence westwardly by such base line to the old Halifax road, thence northwardly on such road to the junction of the road leading to the Lower Village, thence northwardly to the western line of the Truro Cemetery, and continuing the same course west and east to include the Roman Catholic grave-

yard till it comes to the Marsh Road, thence north or by the line of fence dividing the upper from the lower division of marsh to the Bay, thence up the stream of the Bay and Salmon River to the place of beginning.

4. The Town shall be divided into three Wards, as follow :

*Ward Number One.*

To include all that portion of the Town lying to the west of a line extended in a south direction from Salmon River through the centre of Park Street, through the centre of Queen Street, and of a line through the centre of Revere Street leading from Queen Street to Prince Street, and a line through the centre of Dominion Street leading from Prince Street to the railway track continued to the south boundary line of the Town.

*Ward Number Two.*

All that portion of the Town lying to the east of such lines and to the west of a line from Salmon River in a south direction through the centre of Logan Street to the centre of Queen Street, and of a line through the centre of Church Street leading from Queen Street to Prince Street, and of a line through the centre of Inglis Street leading from Prince Street to the railway and continued to the south boundary line of the Town ; and

*Ward Number Three.*

All that portion of the Town lying to the east of the line from Salmon River through the centre of Logan Street and Church Street and Inglis Street to the South boundary line of the Town, and west of the eastern boundary of the Town.

5. The Corporation shall consist of a Mayor, and six Councillors, residents of the Town, who shall constitute the Town Council, to be elected by the rate-

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payers thereof. Such Mayor and Councillors shall be *ex-officio* Justices of the Peace within the limits of the Town.

6. The qualification of a candidate for the office of Mayor or Councillor shall be the possessor of one thousand dollars real and personal property beyond any amount he may justly owe.

7. All male residents of the Town, who shall have been so for at least one year next previous to the election, being natural born or naturalized subjects of Her Majesty, of the full age of twenty-one years, and who shall have been assessed for the sum of one hundred and fifty dollars of real estate, or three hundred dollars of real and personal estate combined, or three hundred dollars of personal property within the corporation for the year previous, and shall have paid the rates thereon, or though resident without the Town shall own real estate therein of the value of three hundred dollars, and shall have been assessed and paid the rate thereon during the year preceding the election shall be qualified to vote at any election of Mayor or Councillors.

8. The first election for Mayor and Councillors shall be held at any time, not later than the first Tuesday of May, A. D., 1878, to be fixed by the Governor in Council. At such election a Mayor, to hold office until the close of the second municipal year, shall be elected by all the wards, and two councillors of whom one shall retire at the end of the first year as hereinafter provided, shall be elected by each ward. Subsequent elections shall be held on the first Tuesday of May in each and every year; at each of which one Councillor to hold office for two years shall be elected by each ward, and a Mayor to hold office for one year shall be elected by all the wards. One Councillor from each ward shall go out of office at the end of each year, but shall be eligible for re-election. The presiding officer to be appointed

by the Governor in Council under this section shall give notice of such election for fourteen days by advertisement in a newspaper (if any) published in the Town of Truro, and by handbills posted therein.

9. At the close of the first year the Mayor shall draw lots to determine which of the Councillors for each ward shall retire. In succeeding years the senior Councillor of each ward shall retire. Any person elected as Mayor or Councillor and refusing to serve shall forfeit the sum of Forty Dollars to the use of the Town. Provided that no Mayor or Councillor who shall have served for one term shall be subject to fine for non-acceptance of office on re-election until the expiration of three years from the date of his first or previous election.

10. The first election shall be conducted by a presiding officer—to be appointed by the Governor in Council—who shall appoint a deputy presiding officer and Inspector and Poll Clerk for each Ward. Succeeding elections shall be conducted by presiding officers, and Inspectors to be named by the Council, together with a Poll Clerk for each ward. Notice of the time and place of holding elections shall be posted up in the case of the first elections by the presiding officer appointed by the Governor in Council and of succeeding elections by the Council, in two of the most public places in each Ward of the town for ten days previous to the holding of any such election.

11. Any person offering to vote at any election shall, if required by the presiding officer or other person qualified to vote, make oath that he is qualified to vote at such election and that he has paid his poor and County rates for the year previous.

12. Every elector shall vote in the Ward wherein he resides, or if a resident without the Town and assessed upon property of the required value within the Town, shall vote in the ward where such property is situate; and the oath mentioned in the preceding

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section shall be as follows, to be modified when necessary so as to be made applicable to persons residing without the town and owning property within the same : —

“ I, A. B., do swear that I have resided in the Town of Truro for one year or upwards now next preceding unless temporarily absent ; that I am of the age of twenty-one years and upwards and am a subject of our Lady the Queen ; that in the assessment for the year 18— I was rated for poor and county rates on (*one hundred and fifty dollars of real estate or three hundred dollars of personal property or three hundred dollars of real and personal property combined as the case may be*), and have paid the same in full ; that my residence is in Ward number ———, and that I have not before voted at this or any other election which is at this time being held for any other ward. So help me God.”

13. All candidates for the offices of Mayor and Councillors shall be proposed in writing by two rate-payers, the Councillors by rate-payers residents of the Ward for which the Councillors are to be elected, and their names shall be handed in at the first election to the presiding officer appointed by the Governor in Council, and in succeeding elections to the Town Clerk, at least three days previous to the holding of any such election, and the presiding officer and Town Clerk shall post up the names of the candidates in one conspicuous place outside and one inside where the elections shall be held, and also furnish the names of candidates for Mayor and Councillors for the several Wards to any rate-payer desiring the same.

14. The polls shall be opened at nine of the clock in the forenoon and close at four in the afternoon ; but they may be earlier closed by proclamation, if no vote be polled within an hour.

15. The vote shall be given at the election by

ballot. The ballot shall be a paper ticket which shall contain in writing or printing, or partly written and partly printed, the name of the person for whom the elector intends to vote, designating on the back the office which the person named inside is intended to fill, each voter shall deliver his ballot folded up to the inspector. The inspector shall ascertain that the ballot is single without reading it, and shall then in the presence of the elector, deposit it without delay in the ballot box.

16. There shall be in the charge of the officer presiding one or more ballot boxes. When the Mayor and Councillors are to be elected, there shall be two ballot boxes in each ward to receive separate ballots from each voter for the different officers.

17. No ballots shall contain more names than there are persons to be chosen to the office. No ballot shall be rejected because found in a box to which it does not belong if otherwise correct, but a ballot if double or containing more names than legal shall be rejected.

18. No officer presiding at any election nor any poll clerk or inspector or officer of the Town present thereat, shall give to any voter any ballot to vote with, or offer or give him any advice as to the person for whom he should vote or otherwise interfere with the voter in the exercise of his franchise, any such presiding officer, poll clerk, inspector or officer offending against this section shall forfeit for every offence a sum not exceeding twenty dollars to be recovered by any person in the Police Court, or imposed as a fine in such police court upon complaint and proof by any person present at such election.

19. On opening the boxes if it is found that the ballots in any of the boxes exceed the number of votes entered on the poll list, the ballots of that box shall be returned and well mingled, and then the presiding officer shall draw out publicly as many of

them without looking at them as equals the excess and destroy them at once.

20. The name of each elector voting at such election shall be written in a poll list to be kept at such election by the poll clerk, and immediately after the final close of the poll all the votes given in each ward being sorted and counted and publicly declared by the presiding officer and inspectors, shall be recorded at large by the poll clerk, and in making such declaration and record the whole number of votes or ballots shall be distinctly stated, together with the name of every person voted for and the number of votes given for each person respectively, and the presiding officer shall proceed publicly to declare the persons having the majority of votes in their favor to be duly elected.

21. If there shall be at the final closing of the poll an equal number of votes polled for two or more persons, the presiding officer shall give a casting vote for one or other of the persons having such equality of votes, in order to give a majority to one of them; but nothing herein contained shall be construed to prevent the presiding officer from voting previously to the close of the poll in the same manner as other citizens may vote, and in case of his being entitled to vote in any ward other than that in which he shall be appointed to preside, he may give such vote by proxy, such proxy being in writing, and signed and having the receipt for taxes of the presiding officer so voting by proxy annexed thereto.

22. The presiding officer may at any time give notice that unless some voter shall come forward to poll within an hour the poll will be closed, and if no voter comes forward within the hour the poll shall then be finally closed.

23. Any person knowingly and willfully voting at any election held under this Act when not entitled so to vote; any person voting in a ward in which he

is not entitled to vote; any person fraudulently putting in more than one ballot when voting, and any person who shall vote in more than one ward at any such election, shall, for every such offence, forfeit and pay to the town a sum not less than eight dollars nor more than twenty dollars, to be recovered in the name of the Town of Truro, in the Police Court, and in default of payment after conviction shall be committed to the County Jail for a term not less than thirty days nor more than six months.

24. If any person at any election for the purpose of giving a vote shall knowingly and fraudulently offer a forged or altered receipt for his rates and taxes, or such a receipt or certificate belonging to another person as his own, or shall vote falsely under the assumed name and character of any voter; he shall forfeit and pay to the town not less than eight nor more than forty dollars, to be recovered in the name of the Town of Truro at the Police Court, and in default of payment shall be imprisoned for not less than one month nor more than six months, and in every such case shall be incapable of voting or holding office in the town for seven years next after the offence.

25. The officer presiding at every election shall, on or before the next day make a return, in the case of the first election to the presiding officer appointed by the Governor-in-Council, and of subsequent elections to the town clerk, of the names of the persons having the majority of votes, and declared by him elected, and when an election of Mayor takes place, a return also of the names of candidates and of the number of votes given to each.

26. In the first election of Mayor the presiding officer appointed as aforesaid, in succeeding elections the Council, shall in public cause the return to be read the votes for each Candidate be summed up, and the person who has the greatest number of votes in

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his favor shall be declared to be the Mayor on the day of the election or the day following. In the case of an equality of votes for Mayor at the first election, the presiding officer aforesaid, and at succeeding elections the officer presiding in Council, shall by his casting vote decide which of the candidates shall be Mayor.

27. The result of every election of Mayor and Councillors shall be published in the next *Loyal Gazette* newspaper after the election.

28. The Mayor and Councillors shall, before entering upon the duties of their offices, respectively be sworn by taking and subscribing the oath of allegiance and oath of office. These oaths shall be administered to the Mayor elect before the Custos of the County, or in his absence before two Justices of the Peace for the County. The Councillors shall be sworn to these oaths by the Mayor or presiding Councillor, a certificate of such oaths having been taken, shall be entered by the Town Clerk in the town minutes. The oath of office shall be as follows :

“I, A. B., do swear that I am duly qualified as required by law for the office of \_\_\_\_\_ ; that I am seized and possessed as the owner in my own right and for my own use and benefit of real or personal estate, or both, in the Town of Truro of the value of one thousand dollars beyond the amount of my just debts ; and that I have not obtained the same by fraud or collusion to qualify myself for office, and I swear that I will faithfully perform the duties of \_\_\_\_\_ while I hold the office, with diligence and impartiality to the best of my ability. So help me God.” The blanks shall be filled up with the name of the office before the oath is taken or subscribed.

29. The Mayor shall be the head of the Council and the head and chief executive officer of the town and it shall be his duty to be vigilant and active at all times in causing the law for the government of the town to be duly executed and put in force ; to inspect

the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished, and to communicate from time to time to the Council all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and appearance of the town.

30. It shall be the duty of the Council to assist the Mayor in the discharge of his duties, and to appoint one or more of the members to be a committee to oversee the different public services of the town, who shall, at each quarterly meeting report the state of the services committed to their charge. The Council shall have power to control the making, maintaining, and improving the roads and streets, sewers, sub-drains and water-courses of the town, and the widening old and laying out new ones when necessary. To direct and enforce the performance of statute labor and to control the expenditure of the commutation money. They shall have jurisdiction over all the property of the town which they shall protect.

Over the enforcement and fixing rates of license for auctioneers, weighers and measurers of flour and grain, measurers of salt and coal, gaugers, surveyors of bark and cordwood, inspectors and surveyors of lumber and shingles, truck, hack and expressmen. The levying and fixing rates of license for theatres, circuses, public shows, and for foreign plays and concerts of all kinds.

The providing of a tax for dogs, and the fixing of the amount to be paid annually by the owners thereof.

Over the support and regulation of the Public Schools and the appointment of the teachers, in conjunction with the Superintendent of Normal School as at present exercised; excepting the Provincial Normal School:

The support of the poor:

Licensing the sale of intoxicating liquors: fixing all rates of licenses and regulating applications therefor:

Regulating the assessments.

Collecting the assessments.

The making all contracts relative to matters under their control, which contracts, after having been duly considered by the Council, shall be signed by the Mayor, and counter-signed by the Clerk. The appointment of all subordinate officers of the town, fixing the amount of their remuneration, and the time and mode of paying them. The returns of assessors and collectors, and the appointing of presiding officers and the regulating of elections.

And making and directing the enforcement of regulations for the preservation of the health of the town.

31. They shall vote, assess, collect, receive, appropriate and pay whatever monies are required for County assessments—poor, school, and other rates and assessments, and shall have within the Town all the powers relating thereto vested in the Sessions, Grand Jury, School Meeting and Town Meeting; and shall have and exercise within the Town all the powers and authority which within the district, previous to the passing of this Act of Incorporation were exercised by the Sessions, Grand Jury, Board of Health or Town or School Meeting or Trustees of School and Public Property. They shall also have the power of enforcing the due observance of the Lord's Day, of preventing vice, drunkenness, profane swearing, obscene language, and every other species of immorality in the public streets and roads, and all places within the bounds of such Town; and of preserving peace and good order in such streets and roads, taverns, and other places, and of preventing the sale of intoxicating liquors to Indians, minors and apprentices, and of restraining and punishing all vagabonds, drunkards and beggars, and all persons found drunk or disorderly in any street,

road, or public highway in the Town. The imposing of fines on the owners of cattle, horses, swine, geese, and poultry going at large within the limits of the town and the providing of pounds for keeping the same. Also, the providing for any other purpose matter or thing specially subjected to the control of the Council under this Act or by any law or bye-law of the Town, but no bye-law shall impose any penalty exceeding eighty dollars, and the Council may by a bye-law impose a term of imprisonment not exceeding six months in default of payment of such fine.

32. There shall be held every year four quarterly meetings of the Council and special meetings to be called by the Mayor as often as necessary.

33. The Mayor when present shall preside at all meetings and in his absence the Council shall elect a presiding officer for the time being from among themselves.

34. The Council shall annually appoint a Clerk, Treasurer, Police and Stipendary Magistrate, Assessors, Overseers of Poor, Health Officers, Clerk of Licence, Superintendent of Streets and Common or Parade, Collectors of Poor, County, School and other rates and assessments, Firewards and Fire Constables, Police Constables, Clerks of Markets, and Measurers and Weighers, and every other officer from time to time deemed necessary to the due performance and carrying on the business of the town and the preservation of order.

35. The Town Clerk shall, until the Council shall declare otherwise by some bye-law to be by them passed therefor, perform the duties appertaining to the office of Treasurer, Clerk of Overseers of Poor, Clerk of Licence, Collector of School, Poor, County and other rates and assessments, and all other duties that may be from time to time required of him by the Council.

36. The duties of the various officers shall be specifically set out in the bye-laws of the Town.

37. The Council shall also have power to make, and from time to time to alter and repeal, all such bye-laws, rules and regulations as may be necessary for the conduct, and good order of their proceedings, the direction of the Town Clerk and all other officers, and touching all matters within their authority, including the altering, limiting or modifying the mode in which the labor on the streets and roads shall be performed, or of substituting assessments in lieu thereof of the performance of labor on the said streets and roads as they may judge proper, and shall make all rules necessary for the creating and for the conduct, management and regulation of the Police and Municipal Court of the Town, and for regulating the mode of assessment, and of levying the same, and shall also make all regulations necessary for holding elections to supply vacancies occurring within the year in the office of Mayor or Councillors, which rules, bye-laws and regulations, when approved of by the Governor-in-Council, shall have the force of law.

38. The Truro Common, and all property real and personal which at the passing of this Act shall be public property, or shall have been held in trust in any way for the Town of Truro, shall, on the passing of this Act, vest in and become the property of the Town.

39. After the passing of this Act the town shall be set off into a separate School Section within the limits as hereinbefore defined, and the Town shall have the expenditure of all School rates raised within its limits for the Schools of the Town, and also of all government and school grants for such schools, which grants shall be paid to the Town.

40. The Council shall annually appoint two auditors. No one who during the preceding year shall have been a member of the Council, or a contractor or officer appointed by the Council (except an auditor) shall be eligible. The auditors shall examine and

report upon all accounts affecting the Town or relating to any matter under its control or within its jurisdiction for the year preceding their appointment. The auditors shall prepare an abstract of the receipts, expenditures and liabilities of the Town, and also a detailed statement of such particulars, in such a form as the Council shall direct, and shall report in duplicate on all the accounts audited by them, and shall file such report in the office of the Clerk of the Council within one month after their appointment, and thereafter one copy shall be open to the inspection of any rate-payer at all seasonable hours, and he may by himself or his agent at his own expense take a copy thereof or extract therefrom.

41. The Council shall, upon the report of the auditors, finally pass and allow the accounts of the Treasurer and Collectors, and all accounts against the Corporation, and in cases of charges not regulated by law or by bye-laws the Council shall allow what is reasonable.

42. The Town Clerk shall print and publish the auditors abstract and shall also publish the detailed statement in such forms as the Council shall direct.

43. The Council shall have the regulating and ordering of all monies to be paid out of funds in hands of the Treasurer.

44. The Council shall, in each year, convene a Public meeting of the rate-payers of the Town, to be holden at such time not later than one week previous to the annual election of Councillors, and at such place as the bye-laws may designate, at which meeting the accounts of the year as audited shall be produced if called for, and the Council shall through the Mayor report to the meeting the state and condition of the Town, and the efficiency of the several departments and shall recommend to the meeting any proposed improvements and alterations and shall furnish an approximate estimate of the expenses of all kinds

required to be incurred for the current year, including the county rates of the Town for the incoming year, and the amount required to be raised to defray the same for which sum the incoming Council shall assess, and shall also recommend any additional sum required to meet any contemplated extraordinary services or improvements, and the rate payers may by a vote of the majority present affirm such expenditure, and the Council shall at their next ensuing meeting pass a bye-law imposing a rate to meet such extraordinary expenditure so affirmed or shall raise the required amount by the issue of bonds or debentures of the Town, and by assessment make provision for meeting the interest.

45. The Council shall be authorized and empowered upon a vote of a majority of the rate-payers present at the annual public meeting to issue debentures under the hand of the Mayor and two or more of the Councillors, and under the seal of the Town and countersigned by the Clerk, for the purpose of raising the necessary funds for the purchase of any property or the erection of any building for the Town or the carrying out of any municipal works or improvements.

46. Such debentures shall bear interest at the rate of not more than seven dollars by the hundred by the year, payable half yearly, and shall be redeemable at periods to be expressed in such debentures not less than ten years and not exceeding twenty years from the date of issuing the same, and shall not be issued for a sum not less than one hundred dollars each. The debentures shall be made payable to the respective holders thereof, and the Town shall be at liberty to pay and redeem any such debentures after the expiration of five years from the date hereof, upon giving the holders six months notice, such debentures shall be free from municipal taxation.

47. The Council are hereby authorized and empowered to take all necessary measures for the intro-

duction into the Town of Truro, of a supply of water for fire and domestic purposes.

They shall have power to borrow for that purpose on the credit of the Town, its property and revenues, and on the security of this Act, a sum not to exceed thirty thousand dollars.

The loan may be obtained at once or in portions from time to time as the Council may decide.

Tenders for the money shall be advertised in a newspaper published in the Town, and in two or more newspapers published at Halifax, for at least one month, and tenders expressing the lowest rate of interest shall be preferred, or the Council may sell the debentures for such loan at auction, to the highest bidder.

The lenders shall receive for such loan in sums of not less than one hundred dollars, debentures with coupons attached under the seal of the Town, signed by the Mayor and one or more of the Councillors, and countersigned by the Town Clerk, payable to bearer, specifying the terms of loan and rate of interest to be paid half yearly. The debentures shall be transferrable without endorsement, and the interest shall be paid to the holders of the coupons upon the same being presented to the Town Treasurer.

The principal moneys of such loan shall be paid to the lenders at periods to be expressed in said debentures, not less than ten years nor more than twenty years from the date of the loan, but the Town may at its option pay off such debentures in whole or in part, at the end of the first five years, and after that period at any time on six months notice given to the holders. Such debentures shall be free from municipal taxation.

The Council shall assess the rate-payers and property of the Town for the yearly interest on said loan, and shall add said amount to the general assessments authorized under this Act.

48. The Council shall, on the request of a

majority of the rate-payers present at any annual meeting after the issue of any bonds or debentures, make provision for forming a Sinking Fund for paying off such bonds or debentures.

49. All that part of Polling District number one, lying outside of the boundary of the Town of Truro, as hereby incorporated, shall for all county purposes, and all that part of said district not included in the Poor district, or settlements of Brookfield, Greenfield and Riversdale, shall for all Town and poor purposes be still considered and known as District number one.

50. Until the first election of Mayor and Councillors takes place under this Act, the arrangement now existing by law for the assessments and collection of County and Poor Rates, within the limits of the Town of Truro or said Polling District number one, or for the assessment and collection of Police Rates in the present Police District of Truro, or for the assessment and collection of rates for School purposes in School Section No. 41, A, in the district of Colchester, shall not be disturbed, anything in this Act to the contrary notwithstanding.

51. The salaries and remuneration of the Mayor, Stipendiary Magistrate, Recorder and Clerk, and also of all other officers, or persons appointed or employed by the Council, shall be fixed and paid from time to time as the Council shall order and direct.

52. The Council shall carry out all contracts, engagements and agreements heretofore made, *bona fide*, and shall provide for the payment of all liabilities heretofore incurred and entered into on behalf of the Town or the School Section in the Town by the assessment or by the issue of debentures.

53. So much of the existing law or any bye-law, regulation or order of the sessions of the County of Colchester as is inconsistent with this Act is repealed.

# BYE-LAWS AND ORDINANCES

OF THE

## TOWN OF TRURO.

### I.

#### THE TOWN SEAL.

1. The Common Seal of the Town shall be of suitable metal, and have engraved on it such device as the Council may order.

2. The Town Seal shall be kept by the Clerk.

3. All deeds or documents, where the Town is a party, and where a seal is requisite, shall be authenticated by the Town Seal and the Mayor and Town Clerk shall sign the same, and affix thereto the Town Seal, when authorized by any law, bye-law or ordinance of the Council, or by direction or resolution of the Town Council.

4. The Mayor may affix the seal to any certificate or document, at the request of any person desiring it.

5. Any person requiring the Town Seal to be affixed to any certificate or document for the purpose of authentication or otherwise, shall pay to the Town the following fees:—

For affixing the Seal to any document to be used out of the Province, - - - -	\$2 50
If to be used within the Province, - - - -	1 50
If to be used within the Town, - - - -	1 00
For the Seal to any certificate, - - - -	1 50

## II.

## TOWN COUNCIL.

1. Written notices for the quarterly and other meetings of the Council shall be sent to the Mayor and each Councillor, two days previous to the meeting. Emergency meetings may be called by the Mayor or Presiding Councillor, when necessary, at a shorter notice. Notices shall state place and time of meeting, and shall be left at the dwelling house or place of business of the party notified.

2. Four Councillors, with the Mayor or presiding officer, shall form a quorum.

3. The meeting shall stand adjourned to the next day at the same place and hour (not being Sunday or a holiday, in which event it shall be adjourned to the day following) if, within one hour from the time appointed, a quorum shall not appear.

4. As soon as the chair is taken and the meeting opened, the minutes of the previous meeting shall be read by the Clerk, when any mistakes therein may be corrected by the Council, after which, or in the event of no mistakes being found, they shall be marked approved.

5. Every motion or resolution must be presented in writing, moved and seconded before it can be debated.

6. A motion or resolution moved and seconded, can only be withdrawn by leave of the Council.

7. All questions shall be decided by a majority of votes; in case of equality the Mayor or presiding officer shall have a casting vote, but shall not otherwise vote.

8. The Mayor or presiding officer shall preserve order and decorum, and shall decide all points of order, subject to an appeal to the Council, provided such appeal be regularly moved and seconded.

9. Every member who speaks in Council shall address the chair standing.

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10. The member who introduces a resolution or motion shall have the privilege of closing the debate.

11. All resolutions moved and seconded shall be laid on the table, as a notice, and shall be discussed at a subsequent meeting, and no resolution shall be discussed and voted, at the same sitting in which it is moved, unless the Council shall by vote determine it expedient so to do.

12. When a question is regularly under debate no other question, or motion shall be entertained, until it is decided, unless it be:—

1st. A motion in amendment of the original resolution.

2nd. A motion to refer the question to a special committee.

3rd. A motion to postpone the question to some future day or time to be named.

4th. A motion to postpone the question indefinitely.

5th. A motion that the question be now put.

6th. A motion to adjourn.

7th. Or the previous question.

13. After the division has been taken upon any question or resolution, any member may call for the names on the division, and have the same recorded.

14. No debate shall be allowed on any motion of adjournment, or upon any motion of the previous question, made during a debate.

15. Every member shall confine himself to the question under discussion, and shall abstain from all personal reflections and irritating language.

16. Every member present, when a vote is taken, shall vote upon it unless excused by the Council upon some good grounds stated.

17. No member shall leave the room during the transaction of business, without the permission of the Mayor or presiding Officer.

18. Any member called to order by the chair shall

sit down at once, but may, by leave of the chair, afterwards rise to explain.

19. The Town Clerk shall, under the direction of the Mayor, make out an arranged list of the business matters, which it appears requisite to lay before the Council for their consideration, the list shall be termed the order of the day, a copy of which shall be laid on the table for the inspection of the members, and another placed in the hands of the Mayor or Presiding Councillor.

20. The following shall be the order of the day, as near as may be, subject however to alterations by the Council, at any meeting, as the exigencies of business may require.

1st. Reading minutes of previous meeting.

2nd. Motion to amend the minutes.

3rd. Motion to re-consider or rescind any resolution contained in the minutes, notice of the rescinding or re-consideration of which had been given on the day the resolution passed before adjournment.

4th. Receiving the report of any Select or General committee.

5th. Receiving any petitions.

6th. Ordering the payments of accounts.

7th. Discussing any resolutions of which notice had been given on a previous day in the regular order.

8th. Reading and discussing the reports of Select or General committees, together with reports of the minutes, if any.

9th. Discussing any petition.

10. Miscellaneous business.

#### COMMITTEES.

21. Standing committees shall be appointed as soon after the election, in each year, as practicable, as follows:—

- |    |   |
|----|---|
| I. | Committees on Public accounts and finances. |
| 2  | “ Tenders.                                  |
| 3  | “ Schools.                                  |
| 4  | “ Licenses                                  |
| 5  | “ Roads, Streets and public property.       |
| 6  | “ Auditing.                                 |
| 7  | “ Police                                    |

22. Special or Select committees may be appointed, on motion duly made, seconded and passed.

23 The report of the Special committee shall be in writing, and signed by the Chairman when unanimous; but when there is a difference of opinion, the report shall be signed by all who concur in it, the minority may also report their views in writing to the Council, if they see fit, which report shall be signed by all concurring in it.

24. Any bye-law, regulation, or ordinance may be suspended wholly or in part, by the unanimous consent of the members of the Council present.

25. Notices for rescinding, or re-considering any resolution passed, must be given on the day of the resolution being passed, before adjournment, and no resolution passed shall be rescinded or re-considered, when such notice has not been given, and no such notice shall have the effect of delaying or impeding the action necessary to give effect to any resolution unless the Council shall otherwise order.

### III.

#### ASSESSMENT.

1. The Council shall annually assess on the inhabitants, and on the property within the Town, such sums as may be necessary to defray the expenses of the Municipality.

2. The objects to be provided for by the assessments shall include the salaries and compensation to

the officers of the Town, County rates, the support of the Poor, the support of the Schools, the expenses of the Fire Department, the Town Court, civil and criminal; making, repairing and improving the roads, streets, lanes and bridges of the Town, providing Town Buildings, and opening up new Streets, for the care of property, the expense of the Police, extra constables and night watch, and the interest money required to be raised on all debentures issued by the Council, on behalf of or for the Town, and all expenses required in the due execution of the different powers and trusts vested by law in the Corporation, its Mayor, Council and Officers.

3. The Council shall elect one suitable person, not being a member of the Council, to be Town Appraiser, to continue in office from year to year, till removed by a vote of the Council.

4. The Council shall annually appoint a ratepayer from each ward, to be called Ward Assessor within his respective ward.

5. The Town and Ward Appraisers shall, within one week from their election, attend at such time and place as they shall be notified by the Town Clerk and subscribe an oath in the presence of the Mayor, Recorder or some Councillor, to faithfully perform the duties of their respective offices, and make a fair and impartial assessment of the Town and the respective wards.

6. The Town or Ward Assessors shall, during their continuance in office, receive such annual compensation for their services as the Council shall appoint.

7. Any Town or Ward Assessor, who shall neglect or refuse to be sworn in, or shall be guilty of neglect of duty, shall pay a fine of not less than ten, or more than fifty dollars.

8. Every male resident of the Town, of the age

of eighteen years and upwards, shall pay an annual poll tax of two dollars.

9 All real and personal estate shall be liable to taxation, subject to the following exemptions:—

1st.—All estate and property belonging to or vested in Her Majesty, Her heirs and successors.

2nd.—Every place of Worship, and Church or Burying Ground, the property in possession of the Young Men's Christian Association, all public property held by the Town, all Provincial Debentures, and Debentures of the Town of Truro.

3rd.—All property declared free of taxation by an Act of the Province.

10. The terms land, real estate, or real property, shall be held to include all buildings or other things erected upon or affixed to the land, and all machinery, or other things so affixed to any building, so as to form in law, part of the realty.

11. The term personal property and personal estate shall be held to include all household furniture, goods, chattles, wares, horses, cattle and farming stock and implements, and implements of trade, and one-half of the value of all ships or vessels, and shares in ships or vessels owned by parties doing business in the Town, whether the same be at home or abroad, and all other property except land; and the term property shall include both real and personal property. Provided always that all ships or vessels in course of construction, all timber, plank and other materials necessary for, and in the yard where such ships or vessels are in course of construction shall be free from assessment.

12. All lands shall be assessed in the name of and against the occupant, and in the case of occupied lands, owned by a party known, or residing or doing business in the Town, but occupied by another party, shall be assessed in the name of, and against both the owner and the occupant, inserting the name of both

on the roll, with the word "owner" or "occupant" as the case may be, and notifying both, as hereinafter provided, and the taxes thereon may be received from either, or from any future owner or occupant, saving his or their recourse against any other party, under any agreement between the owner and occupant and the recourse of a future owner and occupant, against a prior owner or occupant; and, if land be owned or occupied by more than one party, then any one of them may be the owner or owners, occupant or occupants, and shall be liable accordingly, saving his or their recourse against the others.

13. The real estate and personal estate of incorporated or joint stock companies, shall be assessed against them in the same manner as the real and personal estate of individuals is assessed, and the owner and holder of stock in any incorporated or joint stock company so taxed, shall not be assessed as an individual for such stock.

14. The real and personal property of any partnership shall be assessed against it under the name of the firm, and notice to either party, or the agent of the firm, shall be valid and sufficient.

15. All real and personal property under the control of any person or persons as administrators or trustees, guardians or agents, the separate property of married women, and of minors, shall be assessed and valued in the names of the parties exercising control over them, but such rating and assessment shall be kept distinct from the rating and assessment of real and personal property held by them in their own rights.

16. The Town Assessors assisted by the Ward Assessors, in their respective wards, shall prepare an assessment roll of each ward, wherein shall be set in separate columns, the names and surnames, as far as the same can be ascertained, of all taxable parties in said wards, distinguishing residents of the Town from

non-residents, together with the description and extent or amount of property assessable against each and in a separate column, all the particulars mentioned in the Appendix, Schedule A and shall deliver the same, signed by the Town Assessor, and also by Ward Assessors for the respective wards, to the Town Clerk as soon as practicable, after making the assessment.

17. Every party holding assessable property in the Town, either in his own right or as an executor, administrator, trustee, guardian or agent, the agent, or any partner of a firm, the secretary or manager of any joint-stock company, shall, when required by the Town or Ward Assessor, deliver to them a statement in writing, signed by such party, or in case of his absence, by his agents, containing all the particulars respecting the property assessable against such party, in his private or official capacity, which are required in the assessment roll, and any such assessable party refusing or neglecting to give such statement when required, or knowingly giving a false statement, shall forfeit a sum not less than ten or more than thirty dollars, to be recovered in the name of the Town, and for the use of the Town, and in default of payment of such sum, together with the cost of prosecution, the party shall be liable to imprisonment in the County Jail, for a period not exceeding ten days.

18. No such statement shall bind the Assessors, further, than from their own personal knowledge and inspection and due enquiry made, they believe the information to be correct, and notwithstanding such statement, they may assess such party for such amount as they believe to be just and correct.

19. The estate of a deceased person in the hands of his executors or administrators shall be liable for rates assessed on such estate in his life time, and due at the time of his death, and such estate may be levied on and sold for the payment of such rates under a warrant to be issued for such purpose by the Treasurer

of the Town in which such estate is, which warrant shall be directed to and executed by a constable of such Town, and the proceedings on such levy and sale shall be the same as in case of ordinary defaulters; and when there is no administrator of such deceased person, or when his will has not been proved in the Court of Probate, the estate of such deceased person may be levied on and sold, wherever found in like manner. The demand for such rates shall be made on the executor or administrator, if any, or if there be no lawful executor or administrator at the last place of abode of the deceased.

20. In case of any transfer of property, the assessment for the year shall be payable by the assignee or occupier; and in case of property taken under execution, or any other process of law, the same shall first be liable for any assessment which may be due and payable thereon, for the year and payment thereof enforced; and the Sheriff or other officer shall be bound to pay first such assessment out of the proceeds of sale.

21. The Town Clerk shall, on receiving the assessment roll, leave for every party resident or doing business in the town, or the representatives of any party who shall have died before the roll for that year shall have been fixed or adjusted, and shall transmit by post to every non-resident named in such roll, a notice of the actual or yearly value at which his real property, and the sums at which his personal property shall have been assessed by them.

22. The Town Clerk shall, on the receipt of the assessment roll of each ward from the Assessors, make a copy thereof, arranged in the alphabetical order of the surnames, and shall post such copy in his office for fourteen days, for the inspection of any ratepayer of the Town; and any ratepayer, or firm, or company, who shall think himself or themselves not legally entitled to be rated, or that he or they are

overcharged on said roll, may within such fourteen days, but not after, give notice in writing to the Town Clerk, that he appeals from such rate, either in the whole or in part, and shall, in such notice, state the grounds of his objection to such rate

23. The subject matter of such appeal shall be tried by a Court, to be composed of three members of the Council (to be appointed by the Council) and the Recorder, who after hearing the complaint, and the Assessor and Assessors, and any witnesses adduced by or on behalf of either of them under oath, shall determine the matter and either confirm, modify or amend the roll accordingly, and if the party appealing shall fail to appear, the Court shall proceed *ex parte*; and if any elector of the Town shall deem that any party has been assessed too low, or has been omitted from said roll, the Clerk shall, at the request of the elector, in writing, give notice to the party, and to the assessor or assessors, of the time when the matter will be tried by the said Court, and the matter shall be decided in the same manner as complaints by a party assessed, and the roll, as finally passed by the Court, and certified by the Clerk as so passed, shall be valid, and shall bind all parties concerned, notwithstanding any defect or error, committed in, or in regard to said roll.

24. The Clerk shall post up, in the Town Hall, or his office, or such other place in the Town, as the Mayor shall direct, a list of all complainants on their own behalf against the Assessors return, and of all complaints on account of the assessment of other parties, stating the name of each with a concise description of the matter complained against, together with the time when the Court will be held to hear such complaint, which list may be in the form, given in the Appendix, Schedule B. Notice as per form in the Appendix, Schedule C, shall be left at the place of residence or business of the complainant, if resi-

dent of the Town, and if non-resident shall be mailed to the their address, or left on the premises assessed, at least five days before the meeting of such Court ; like notice shall also be delivered at the place of business or abode of the assessors.

25. The roll shall be made up, and delivered in, not later than the First day of June in each year, or at such other time as the Council shall, by resolution, nominate and appoint.

26. The Court of appeal and revision shall be held whenever practicable, before the first day of July in each year.

27. When the roll is completed, it shall be handed to the Town Clerk and laid before the Council, who shall thereupon make estimates of all sums which may be required for the lawful purposes of the Town for the ensuing year, making due allowance in such estimates for the abatement, losses and expenses which may occur, in the collection of the taxes, and of the tax of non-residents and for the taxes which may not be collected, and the Council shall authorize the levying and collection of a rate or rates of so much on the dollar on the assessed value of the property thereon, as in the judgement of the Council shall be sufficient to raise the sum or sums required on such estimate or estimates.

28. The Town Clerk shall procure a book for each ward, to be called the Assessment Book for Ward No. —, as the case may be, in which he shall set down, and enter the names in full, of each party assessed in their respective wards, and the correct assessed value of the real and personal property of each party, and the values so set down shall be taken from the assessment roll, after the same shall have been finally settled, and revised by the Court of Appeal and Revision ; and he shall also calculate and set down the amount of the rate for which each party is chargeable, which said assessment book and rates shall be

revised and approved by the Council, or a committee of their number for that purpose appointed.

29. As soon as the assessment roll shall be approved of by the Council, or a committee thereof, the Treasurer of the Town shall cause each person or company so rated, or his or their agent to be served with a notice in the form in the appendix, Schedule D; and in the case of non-residents, the same shall be mailed to their address, or left on the property assessed.

30. If any person rated or assessed, shall not pay the amount within thirty days after service of the notice, or in case of non-residents after the same has been mailed to their address, or left on the assessed property, or within such other period, as shall be limited for the payment of the same by the Council, the Treasurer shall without delay, levy the same, together with ten per cent. additional and the costs and expenses of the collection thereof, by the distress and sale of the goods and chattels of the party, or the company who ought to pay the same, or of any goods and chattels in his possession, wherever the same may be found within the Town, and may also make distress of *any goods and chattles*, being the property of said non-resident, which he may find upon any of the land of said non-residents, upon which the taxes have not been paid, and the property distrained may be removed to a place of safe-keeping, provided that any person paying to the Town Treasurer the amount of his taxes, within fourteen days from the receipt of his notice, shall be entitled to a deduction of five per cent. from the amount of his taxes.

31. If said property so distrained is not redeemed within five days after such distraint, the same shall be sold at auction to pay the rates, per centage and costs and expenses of sale, after three days notice of such sale posted in three conspicuous places of the Town, and the balance, if any, shall be paid over to the party legally entitled to receive the same.

32. If any party assessed shall be a non-resident of the Town, or shall have removed therefrom after such assessment, and before the rate shall have been collected, or any balance shall remain due after such distress and sale, the Town Treasurer shall sue for the amount, inclusive of the ten per cent., costs and expenses, in the name of the Town, as in the case of any common debt, and the production of the roll and Assessment Book of the ward shall be *prima facie* evidence of the debt.

33. In any case of non-payment of the rate, by either resident or non-resident, the Treasurer shall, at his option, sue therefor, in the first instance, and levy for any balance uncollected, or shall issue and levy the distress, and sue for any balance remaining, after the sale of the distress. A certificate of any judgment obtained by the Town for taxes under the hand of the Recorder shall, when recorded in the office of the Registrar of Deeds for the County of Colchester, be a lien on the real estate of the party against whom the judgment has passed.

34. Any person absent from the Province, and any company whose effects are not to be found, or are insufficient to levy upon by way of distress, may be proceeded against for rates due the Town, according to the provisions of the absent or absconding debtor's act.

35. In case a party, a firm, or a company, whose taxes are in arrears and unpaid, shall make an assignment, or become bankrupt, or be unable to pay said rates in full, the Town Treasurer shall, with the approbation of the Mayor, join in any compromise or accept any dividend or part payment, as the same may appear for the interests of the Town.

#### IV.

#### MUNICIPAL COURT.

1. There shall be a Municipal Court, to be pre-

sided over by the Stipendiary and Police Magistrate, or as hereinafter provided by the Mayor or one Councillor, and the Town Clerk shall act as clerk thereof.

2. The Council shall appoint a suitable person to fill the office of Stipendiary and Police Magistrate, who shall also be a justice of the Peace and a lawyer, of at least three years standing at the bar, who shall also act as Recorder, and who shall be called Recorder of the Town. The office of Stipendiary Magistrate and Recorder may be filled by one and the same person, if the Council see fit to appoint him. In case of the temporary absence of either Recorder or Stipendiary Magistrate, the Council may appoint a person to fill such offices during his or their absence.

3. The salary of the officers of the Council shall be from time to time fixed by the Council.

4. All fines, fees and costs shall go to form a fund, out of which the salary of the Stipendiary Magistrate and Recorder, and the expenses of the Court shall be defrayed, any deficiency to be paid out of the general funds of the Town, and any balance remaining, after defraying the above charges, shall be paid into the general fund.

5. The Municipal Court shall have jurisdiction, cognizance and power, to try and determine in a summary way, without a jury, all civil actions or dealings *ex contractu*, in which the whole cause of action shall have arisen within the Town of Truro, and in which the cause of action does not exceed Fifty dollars, and for all balances not exceeding Eighty dollars, upon accounts stated and settled previous to suit, and all such civil contracts, where the amount originally due has been reduced to Eighty dollars or less by payment of cash, and when the Defendant shall prove an off set of greater amount than the Plaintiff has proved, may give judgment in favor of the Defendant, for the balance due him; and shall try in a summary way without a jury, actions *ex delicto*

in the nature of replevin, trespass to land or building, or other real estate, in which the title or right of possession is not the object of controversy, provided the cause of such action originated within the limits of the Town, and the damage claimed in any such case, do not exceed Sixty dollars. No civil suit, for any debt or dealing, in which the whole cause of action shall have arisen in the municipality, shall be brought to any other court, except by way of appeal to the Supreme or County Courts. Provided, that if the Plaintiff or Defendant in such suit does not reside within the Town of Truro, the same may be sued defended or tried in any court having jurisdiction

6. The Municipal Court shall have and exercise within the bounds of the municipality, all the powers and jurisdiction in criminal matters conferred upon one or more Justices of the Peace or Stipendiary or Police Magistrate, by any act of the Province or of the Dominion of Canada or hitherto exercisable or held by him or them. The Municipal Court, for the trial of criminals shall sit every day, if occasion require, commencing at ten o'clock, a. m., and shall continue until all the causes are disposed of, provided that the Stipendiary Magistrate, or person presiding may continue any complaint for such time as may be necessary.

7. The administration of Police within the Town, and all the executive powers of the corporation, are vested in the Mayor and Councillors, and the Stipendiary Magistrate. The Mayor and Councillors in rotation, according to a Roster, to be by the Council prepared shall attend at the Police Office, at some suitable time and times to be named, and shall perform every act appertaining to the office of Justice of the Peace, Stipendiary or Police Magistrate, necessary for the apprehension, committal, conviction and punishment of criminal offenders, and for carrying into effect the laws in force and the ordinances and

bye-laws of the Town, and shall have and exercise all and every the powers vested in the criminal side of the Municipal Court, provided that the Mayor or Councillor shall at all times have the power of calling to his assistance the Recorder and Stipendiary Magistrate and that nothing herein contained shall be deemed to abridge the power of the Stipendiary Magistrate as a Police Magistrate, and that by order of the Council the Stipendiary Magistrate may be placed on the Roster, and shall attend in rotation, in the same manner as the Mayor and Councillor.

8. The Municipal Court shall be holden for the trial of civil causes, on the first and third Tuesday of every month, commencing at ten o'clock a. m., and may sit by adjournment, from day to day, until all the causes in the lists for trial are called.

The Recorder and Stipendiary Magistrate shall, until otherwise directed by the Council frame and make all rules, orders and regulations respecting the practice in the Municipal Court for the trials of civil causes, and shall make, order and declare, adopt, and from time to time vary and alter the various writs, processes and forms to be used by the Municipal Court, together with a tariff of costs, charges and fees. All writs and other proceedings shall be signed, sealed and issued by the Town Clerk, and shall be directed to the Police or other Constable. In all undefended civil cases in the Municipal Court, where the defendant fails to appear at the time and place named in the summons for his appearance, the Court shall be at liberty to give judgment for the plaintiff, without his appearing, and making oath to the justice of his claim. The party succeeding in all civil cases shall be entitled to his costs.

## V.

### POLICE FORCE.

1. The Council shall as often as occasion shall re-

quire, select a Policeman or Policemen who shall act as day and night watch of the Town of Truro, and in the event of more than one Policeman being appointed shall select one of the number to be Chief of the Police.

2. The Policeman and all special and extra Constables to be appointed as hereinafter provided shall be under the authority, direction and control of a Committee of Police, to be composed of the Mayor, the Stipendiary Magistrate and three members of the Council.

3. The Policemen shall be prompt to obey and carry out all the orders and directions from time to time given to him, or such number of them as the Council shall select, and shall serve all processes civil and criminal, and make all arrests within the Town, and under the direction of the Committee of Police, shall have all the power and authority in all matters criminal, and in case of breach of the peace, and for preserving quiet and good order which Sheriffs and Constables possess within their jurisdiction, and shall immediately report to the Town Clerk or some member of the Committee of Police any violation or infraction of the act of incorporation, or of any by-law or ordinance of the Town, any case of breach of the peace, or of quiet and good order, and any criminal matter within the municipality that shall come to their knowledge or under their notice.

4. The Committee of Police shall cause to be entered in a book any special order or direction in regard to Police matters, which book shall be in the custody of the Town Clerk, and shall be at all times open to the inspection and guidance of the Policemen in the discharge of their duties, and which they shall be bound at once to obey and carry out.

5. The Council shall from time to time fix and appoint the fees, salary and emoluments to be paid to the Policemen.

6. The Chief of Police or any Policeman told off to serve civil processes and execute writs for the Civil Court shall, before entering on that duty, give security in such sum as the Council shall direct for the due and faithful accounting for and paying over any moneys that may be collected by him or come into his possession or under his control.

## VI.

## SPECIAL CONSTABLES.

7. In case of riot, tumult or disturbances or illegal act of any kind, accompanied with force and violence, within the precinct of the municipality, or a just apprehension thereof, the Mayor, Stipendiary Magistrate, or any one or more of the Councillors may by writing under their hands, appoint any number of Special Constables to assist in preserving peace and order.

8. Such Special Constables shall be under the direction and control of the Committee of Police.

9. The Mayor or any member of the Committee of Police may swear in such Special Constables to the faithful discharge of their duties

10. The appointment of such Special Constables shall continue in force for the space of seven days from the date of such appointment, unless sooner revoked by the Committee on Police.

11. In case any disorder or disturbances shall occur at any public meeting or assemblage of persons, the Mayor, Stipendiary Magistrate or any Councillor of the Town upon the request of the chairman of such meeting or of three or more freeholders, may verbally appoint and swear in Special Constables, who shall aid in restoring and preserving order and peace at such meeting or assembly, and who shall be under the control of the Mayor, Stipendiary Magistrate or any member of the Council.

12. Any person appointed a Special Constable who shall refuse to act or be sworn in, shall be liable to a penalty not exceeding ten dollars.

13. The Mayor may from time to time appoint such number of extra Constables as he may deem necessary and for such period, not exceeding one year, as he shall deem requisite.

14. Each extra Constable shall be sworn in before the Mayor, Stipendiary Magistrate or any of the Councillors to the faithful discharge of his duties while he shall continue to be an extra Constable.

15. The Council may compensate any extra Constable for loss of time when called out for special duty, but in no other case.

16. The extra Constables shall be under the direction and control of the Committee of Police, they shall assist the Police Constables in any of their duties.

17. On the request of the Mayor, Stipendiary Magistrate or Committee of Police, they shall serve any summons or execute any warrant emanating from the Police or Court of the Town, or perform any other duty that a Police Constable has authority to do.

In case of an actual breach of the peace occurring in their presence they shall interfere to preserve order, and if necessary shall arrest wrong doers and convey them to the lock-up or gaol.

In cases of larceny, or alleged larceny, the extra Constables shall have power to act in prevention or otherwise, and in cases of violent removal of goods or violence as to property in houses or the possession thereof, shall have power to assist in keeping the peace.

In case any person are found by the the Police or extra Constables in the act of defacing, injuring or destroying any bridge or public property, or trees on any street, lane, or public, or open place, or in the front of any house or building which have been growing, or placed there for shade, ornament or other

purpose, or discovered digging up or removing any of the soil of the common or defacing or injuring the exterior of any house, building or fence, or the shutters or the appendages thereof, or in writing any obscene or profane words on any fence or building, the Police or extra Constables shall arrest such trespassers if they are unknown persons, and take them to the lock-up or jail, and detain them there in order to ascertain their names, giving immediate notice to the Mayor, Stipendiary Magistrate or Committee of Police, and if the parties so caught are known, shall report the fact with the names and residences of the parties to the Mayor, Stipendiary Magistrate or Committee of Police, without making any arrest.

18. The names of parties appointed as extra Constables shall be posted up inside the Police Office, and shall be published in handbills posted in conspicuous places in the Town within one month of such appointment and being sworn in.

19. Any extra Constable so appointed, who shall not attend at the Police Office, at such time as he shall be notified for the purpose of being sworn in, or who shall refuse to take the oath, shall be liable to a penalty of not less than ten or more than forty dollars, to be recovered in the name of the Town as a debt, and in default of payment shall be subject to imprisonment in the lock-up or county jail for a period of not less than ten or more than sixty days.

### PROSECUTIONS.

1. All fines and penalties incurred under the Statute concerning the Town of Truro or any Act in amendment of or in addition thereto hereafter to be passed, or under any bye-law or ordinance of the Town or for any breach of any provision of any act of the Province, now or hereafter to be in force respecting the sale of intoxicating liquors, may be enforced in the

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Civil or Police Court of the Town, at the prosecution of the Town, and all fines and penalties when recovered shall form part of the general fund of the Town.

2. When any rent shall be due to the Town, and in arrear, the Mayor or any Committee of Public Property, shall have full power to issue a warrant of distress for the same under his hand and seal, directed to any Police Constable of the Town, or the same may be sued for in the name of the Town as a common debt.

3. In cases when at the suit of the Town, or by any other person, a summons is issued for the violation of any bye-law or ordinance, or of any provisions of the present or any amended Act of Incorporation of the Town, and the same is disobeyed it shall be lawful to issue a warrant against the party so refusing or neglecting to obey such summons, or a warrant may be issued in the first instance.

#### POUND AND POUND KEEPERS.

Suitable Pounds shall be erected, one at each end of the Town, or any other locality deemed advisable by the Council.

The Council shall annually appoint a keeper for each pound.

Whenever any animal is impounded for the breach of any bye-law or ordinance of the Town, the pound-keeper in case the owner of such animal is known to him, shall give him notice of such impounding as soon as practicable, and if within two days after said notice or within five days after the impounding of the animal, the owner is unknown, the owner of said animal does not reclaim and remove it and pay the forfeiture incurred, the Mayor shall issue an order for the sale at auction of such animal and in such case the balance, if any, after deducting the forfeiture and expenses of sale, shall be paid to the owner, if applied for within

three months from day of sale and if not so applied for shall go to the use of the Town.

Before any animal impounded for the breach of any bye-law, shall be released the owner thereof or party applying for the release, shall pay the following forfeiture, viz :

For notices when given, - - - - -	\$0 50
Keeper unlocking pound, - - - - -	0 25
Keeper releasing the animal, - - - - -	0 25
For providing provender for the animal while in the pound, if a horse, colt, ox, cow, or calf, each day, - - -	1 00
If a pig, goat, or goose, each day, - - -	0 25

#### RELATIVE TO HORSES, COWS, SWINE, OXEN, COLTS, CALVES AND GEESSE.

1. Horses, oxen, cows, swine, colts, goats and geese shall not be allowed to go at large within the Town of Truro.

2. The Police Constable or any other person may impound any horses, cows, swine, goats or geese found at large in any street, lane or other place within the Town.

3. The owner of any horse, ox, cow, pig, goat or goose going at large, shall forfeit and pay the following amount, viz :—For each and every horse, ox, cow, goat or pig, the sum of one dollar for the first offence, and two dollars for every subsequent offence, and for each and every goose, the sum of twenty-five cents for the first offence, and fifty cents for every subsequent offence. One half of the above to go to the party, other than the Police Constable, who shall inform against and convict the offender, the remainder to the use of the Town; this fine to be recovered in the Police Court in the name of the Town, whether the animal shall have been impounded or not.

4. The Stipendiary Magistrate shall, on the application of a party, issue a warrant to bring the party before him for trial.

5. If the offender, on conviction, does not pay the fine imposed, the Stipendiary Magistrate, or officer presiding, shall order the animal so found going at large, to be sold at public auction on the day following such conviction, unless the owner shall have previously paid the fine imposed, together with all the expenses consequent on the seizure and keep of the animal; and on the sale after deducting the fine, the expenses aforesaid, and the expenses of the sale, the balance shall be paid to the owner. The Council shall make regulations in reference to dogs going at large, or congregating within the limits of the Town, and impose penalties for the breach of the same. The owner or owners of dogs, within the Town, shall pay annually a tax of one dollar for every dog owned by him or them, or kept in his or their possession, such tax to be due and payable on the first day of August, in each and every year, and the owner of every dog shall cause a collar to be placed around the neck of said dog, with the owner's name thereon, and the number of his registry, and in default of such a collar, so placed, shall forfeit the sum of two dollars; such tax and penalty to be sued for and recovered in the Municipal Court of said Town.

6. It shall be the especial duty of the Town and Police Constable, at all times, to attend to and enforce this bye-law, and to report any infraction of it, to the Stipendiary Magistrate, the Mayor, or a Councillor.

7. Nothing herein contained shall be construed to restrain or limit the right to impound any horse, colt, ox, cow, pig, goat or goose going at large.

#### STREETS.

1. The streets of the Town, and the expenditure thereon, shall be placed under the control of a Com-

mittee of three Councillors, one from each ward, to be annually chosen by the Council, to be called the Committee of Streets, and the Superintendent of Streets shall be under the direction and control of the Committee. The said Committee of Streets shall have and exercise, within the limits of the Town of Truro, all the powers conferred upon the Commissioners of Streets, under Chap. 46, Revised Statutes, 4th series, entitled "Of Commissioners of Streets."

2. The Committee shall choose a Superintendent of Streets, to hold office until his successor is appointed, or until removed, to be removed at the pleasure of the Council, such Superintendent to be sworn before the Mayor or a Councillor to the faithful discharge of his duty, and to give such security, and receive such compensation for his services, as the Council may from time to time direct.

3. It shall be the duty of the Superintendent, under the direction and control of the Committee of Streets within the Town, to attend to the laying out, widening, elevations and repairs, the sweeping, cleaning and watering of the same, clearing away the snow and other like duties, and the making, repairing and improving of any bridges, drains, sewers, gutters, channels, pavements and sidewalks within the same, and give notice to the Committee of Streets of any nuisance, obstruction, or encroachments thereon.

4. The Superintendent shall keep such accounts of his proceedings as shall be ordered by the Council or Committee of Streets, and furnish accounts, properly vouched, whenever required to do so by the Committee of Streets.

5. The Committee of Streets shall have power to make contracts for the supply of labor and materials for the streets, and for the use of such horses and carts as shall be required for the purposes of the street service.

6. The Committee of Streets shall have power,

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under direction of the Council, at any time to enter into a private contract with any person or persons to keep the streets of the Town, or any portion of them, in good order and repair, or to put that service up to public competition.

7. No such contract or letting shall be for a period of over one year, and the contractor, whether by private agreement or public competition, shall give bonds, with good and sufficient sureties, in such sum as the Council may name, for the faithful performance of the work.

8. The Council may from time to time in their discretion, pay the contractor such proportionate part of the contract price, as they may deem just and prudent, but no money shall be paid except on a certificate of the amount of work done, and that the same has been well and faithfully performed, signed by the Superintendent, and countersigned by the chairman or two of the Committee of Streets.

9. All sums required for the street service, within the Town of Truro, shall be taken from and borne by the general revenues of the Town.

10. Every male resident of the Town, between the ages of eighteen and sixty, except firemen, engine men, axe men, and ministers in charge of congregations, shall annually pay a road tax of *Two Dollars*, and the balance of the sum required for Street purposes shall be raised by an equal rateable assessment on the real and personal estate of the citizens, in the same manner as the other revenues of the Town are raised by assessment, and the sum so raised, together with the sum realized from the road tax, shall be paid into the Town Treasurer, and become part of the general revenues of the Town, provided that the sum of Four Dollars be deducted annually from the rates to be levied annually, on all members of the Fire Department, in lieu of their present exemption from Statute labor.

11. No person shall pile, deposit, or place on any road, street, lane or other public place of the Town, any manure, compost, wood, lumber or other substance or material, whatsoever, under a penalty of Three Dollars for each offence, and every twenty-four hours that such manure, compost, earth, wood, lumber or other substance or material, shall remain piled, deposited or placed on any road, street, lane or other public place of the Town, shall be held to be, and shall be a separate offence.

12. No person shall slack, riddle, mix with sand or otherwise prepare lime, in any of the roads, streets, or lanes of the Town, unless by written permission from the Committee of Streets, under a penalty of Two Dollars for each offence. Provided, that any person or persons, building or repairing a house or houses, in the Town of Truro, shall be permitted to use and occupy ten feet in width, from the line of the street toward the centre, to extend the length of the house or houses so being erected or repaired, for the purpose of piling lumber, stone, brick, sand or lime, and for mixing lime and sand, or doing such other work as may be necessary, for the erection or repair of such house or houses so being erected or repaired: such portion of the street so used and occupied; to be enclosed by a substantial fence erected by the person so building or repairing, as aforesaid, such parties also to provide a suitable path or side walk, at least two and one-half feet in width, around such fence. Persons so building or repairing shall be at liberty to use said portion of the street as long as to the Street Commissioner shall seem necessary.

13. The occupiers, owners or persons in charge of houses, stores, lots and pieces of land, shall be bound after every fall of snow, to clear away the snow from the sidewalks and gutters of their respective premises, within two hours after it shall have ceased to fall, under penalty of not less than one or more than five

dollars, on each person who neglects or omits so to do, unless excused by the Superintendent of Streets.

14. No person shall encumber or obstruct a free passage through any street, lane or sidewalk, or path of the town, by exposing for sale, unpacking or suffering to remain upon any road, street, lane or alley, or upon the sidewalk or footpath thereof, any lumber, iron, coal, trunk, bale, crate, cask or package or other articles, or anything, for more than two hours, or leave any such articles at night on the road, street, lane or sidewalk, after six o'clock, under a penalty of not less than one dollar, and the continuance of any such obstruction for one hour after notice given, by the police or other constable, to remove the same, shall be deemed a new offence, and for every hour it is continued he shall be liable to an additional fine of fifty cents

15. The Council shall have power to lay out, down and build any new bridge, or to alter the location of any bridge; and to lay out any new street, road, lane or highway, to improve, enlarge, make straight, and widen, any bridge, road, street, lane, passage or public place, within the town, and for that purpose to remove when necessary, any building, projection, wall or fences, or portion thereof, to direct a survey to be made, and unless a satisfactory private arrangement be made, shall appoint one competent person, and the proprietor of the property so sought to be taken as aforesaid shall appoint one other competent person and they two shall appoint a third, none of whom shall be interested in said road, street, lane or bridge or the land to be occupied by any new bridge, but who may be residents of the Town, and who shall be compensated for their labor out of the Town funds to appraise the damages to be paid to those whose lands may be taken to form the road, street, lane or the site of any bridge, or whose building, wall or erections may be removed or destroyed in whole or in part for the improvement of any street, lane or public passage.

16. The appraisers shall notify the parties interested and hear them if required, and the appraisal being made by the three appraisers or any two of them, notice shall be given to each person whose land is taken, or whose buildings are to be removed in whole or in part, or to his agents ten days at least before the meeting of Council at which it is to be confirmed, the Council shall give any party objecting to the appraisal an opportunity of being heard, and of proving their objection by testimony. If the expense and damage appear to the Council to be excessive when compared with the utility of the work they may suspend or abandon the undertaking at any period, compensating for any damage actually done.

17. Hereafter no proprietor or possessor of land shall open for public use or dedicate to the public, any new road, or street, over and on his property of less than sixty feet wide, and the Committee of Streets are authorized in their discretion, wholly or partially to close up and obstruct any road, street, lane or thoroughfare of less than sixty feet in width, which may be hereafter laid out or opened, or which may have been so laid out and opened contrary to law.

18. The Council shall not accept the dedication of any road, street or lane to the town of a less width than sixty feet, nor shall any public monies or revenues be paid out or expended on any road, street, or lane of less width than sixty feet, except the roads, streets or lanes in which at the time of incorporation of the Town, statute labor has actually been done or public monies expended.

19. Persons intending to build upon or close to the line of a street, shall, before digging the foundation or commencing the building, apply to the Committee of Streets to cause the line of street to be defined and laid out, and shall defray the expenses of a survey, if necessary to employ one, and shall dig the foundation, and erect the building within the line. And if any

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person shall erect a building on the line of said street, or without making such application and having the line so ascertained, he shall forfeit a sum of not less than forty dollars or more than eighty dollars, and shall also remove the encroachment, or otherwise the Council or their Committee of Streets may cause the same to be removed, or take the steps allowed by law in case of nuisances.

20. When the Committee of Streets, or their Superintendent, shall have proceeded to ascertain the line of the street on the application of any person about to build thereon, and he shall be dissatisfied with the line pointed out by the said Committee or their Superintendent, a Judge of the Supreme Court shall, upon the application of either party, issue a precept to the Sheriff or his Deputy, to summon a jury of twelve disinterested free-holders to meet on some convenient day therein mentioned, to view and lay out the line; and the jury shall have an oath administered to them by the Sheriff or his Deputy, well and truly to lay out and establish the line of Street according to their best judgment, and the witnesses tendered shall be sworn by the Sheriff or his Deputy; and if the jurors or either party require it, a new survey of the line shall be made, and the Sheriff or his Deputy shall make a return forthwith, under the hands of himself and the jurors to the Judge, who, if he shall approve thereof, shall confirm the return, and the same shall be filed in the office of the Town Clerk; but if the Judge shall not approve of the return a new precept shall be issued and further proceedings had thereon in manner prescribed as to the first precept, and so until a return be confirmed, and the Judge shall direct how and by whom the expenses of the proceedings shall be paid, and the same shall be taxed by the Judge and shall not exceed forty dollars.

21. Any person who shall designedly and unnecessarily drive any carriage or cart, or ride on a sidepath,

or roll or place heavy articles on the same to the injury or obstruction of the sidewalk, shall for every offence forfeit not less than one dollar nor more than ten.

### PUBLIC PROPERTY.

1. The Council shall have full power to manage the real estate of the Town, to improve and ornament the same, and to lease the same for any term not exceeding ten years, and on such conditions as they shall see fit, and for any period exceeding ten years by and with the consent of the Governor-in-Council.

2. All Leases and Deeds shall be under the Town Seal, signed by the Mayor and counter-signed by the Town Clerk.

### AUCTIONEERS' LICENSE.

1. No person shall, within the Town of Truro, exercise the office of Auctioneer, or sell at public vendue any real estate, goods or chattels whatever without being licensed thereto by the Council, which license shall be granted on application to the Committee of Licenses, and shall be in the form in the Appendix, and be signed by the Mayor and the Town Clerk.

2. The fee for such license shall be twenty dollars, subject to be from time to time altered as the Council shall determine, to be paid at the time of applying for the same, and if any person, without such license, shall sell any real estate, goods or chattels at public auction, he shall forfeit and pay a sum not exceeding fifty dollars for each offence, to be sued for and recovered in the name of the Town and for the use of the Town. Nothing herein contained shall extend or apply to Sheriffs or Officers of Justice selling under process of law or by direction of any Court,

## OF HEALTH WARDENS.

1. The Town Council shall annually appoint six rate-payers, two out of each ward, to be Health Wardens or Inspectors.

2. The said Health Wardens or Inspectors shall, within the limits of the Town of Truro, have all the powers given to Health Wardens and Inspectors in the City of Halifax and elsewhere, under Chapter 29 and 30 of the Revised Statutes, Fourth Series.

3. The Town Council shall have and exercise all the powers conferred upon the County, General and Special Sessions under said Chapter.

4. All penalties for breach of any of the provision of said chapters shall be sued, enforced and collected in the name of the Town of Truro, by said Town for its own benefit, in the Municipal Court of said Town.

5. The Town Council shall pay out of the funds of the Town, all expenses incurred, by their directions or authority, in carrying out the objects expressed in said chapter.

## LIQUOR LICENSE.

1. The Mayor and members of the License Committee, or a majority of them, shall have full power to grant general or special license to hotel or inn-keepers, victuallers, retailers and confectioners, within the limits of the Municipality for the sale of liquors within such limits, but no license to sell liquor shall be granted to any person who keeps a house of ill-fame, and all licenses, whenever granted, shall expire on the fifteenth day of March in each year.

2. The Mayor and License Committee, or a majority of them, may annex to the license such reasonable conditions in regard to time and place, and other

circumstances under which such license shall be acted upon, as in their judgement the peace and good order of the Town may require.

3. The Council shall fix the duty to be paid by each class of license, and the fees to be paid for issuing the same.

4. Bonds shall be given by all persons so licensed in reasonable sums and in sufficient sureties to be approved of by the Mayor and Committee of Licenses, conditioned for the faithful performance of the terms of said license, and of the laws, bye-laws and regulations, now or hereafter to be in force respecting the same.

5. The Mayor and License Committee, or a majority of them, shall have power to revoke or suspend any such license, if in their judgment the order and welfare of the Town require it.

6. Any person who shall presume to sell by retail intoxicating liquors, without having first obtained a license therefor, or in any manner contrary to the terms of said license, or after the same shall have been revoked or suspended, shall be liable to the penalty and forfeitures which by any bye-law or ordinance of the Town, or by any act of the Province now in force or hereafter to be in force, shall be imposed on the sale of liquors without license, and shall be taken and deemed to have forfeited their bonds, upon which suit may be instituted against them or their sureties at the discretion of the Mayor, Presiding Officer, or License Committee.

7. Any person to whom a license shall be granted, shall, before receiving the same, pay the whole duties and fees to the Clerk of the License, and shall enter into a bond with two sureties, in the form in Schedule F., which bond shall when executed be filed with the Town Clerk.

8. The Mayor or any Councillor or the Recorder shall have full power and authority upon view, or

upon complaint made upon oath of any riotous or disorderly conduct in any tavern or other place where liquor is sold, to arrest, or order, or issue a warrant for the arrest of the party or parties, and take them to the Jail, and thereon the Mayor or Presiding Officer shall enquire summarily into the matter of such complaint, and shall investigate the same, and shall dismiss the same with costs, to be paid by the complainant, or shall convict the keeper of such inn or tavern or other place where intoxicating liquors are sold, of having a riotous, disorderly house or shop, and shall abrogate the license for keeping the same, or shall suspend the benefit of the same for any period not exceeding sixty days, with or without costs, as in his discretion may seem just, and during the period of such suspension, the keeper of such inn, tavern, or other place where intoxicating liquor is sold, shall lose all the privileges, power and protection that would otherwise have been afforded him by this said license:

9. All shops, houses, or other places, except hotels, taverns and inns, where intoxicating liquors are sold, shall be closed every evening at ten of the clock, and shall not be opened before sunrise.

10. No bar shall be kept open in any hotel, tavern, or inn, or intoxicating liquors furnished for pay or otherwise, to any person or persons except parties actually and *bona fide* boarding in his house, by any hotel, tavern, or inn keeper after ten o'clock in the evening of any day, nor shall a bar be opened or intoxicating liquors furnished before sunrise.

11. No intoxicating liquors shall be furnished for pay or otherwise, by any hotel, tavern, or inn keeper on the Sabbath day to any person or persons except boarders actually and *bona fide* residing in his house, and no bar shall be opened in any hotel, tavern, or inn on the Sabbath day.

12. No shop where intoxicating liquors are sold

shall be opened on the Sabbath day, nor shall any intoxicating liquors be furnished for pay or otherwise, to any person or persons on any pretence whatever.

13. The Mayor, Councillor, Recorder, or Police Constable shall have full power to enter at all times, by day or by night, all places within the Town where intoxicating liquors are licensed to be sold, for the purpose of seeing that the provisions of the act regarding the sale of intoxicating liquors, or any acts in amendment thereof, and any bye-law or ordinance of the Town are complied with, and for the purpose of putting down any riotous, disorderly, gambling indecent conduct, and if necessary to arrest the party or parties so guilty of violating the law, or bye-law, or ordinance of the Town, and all minors or apprentices found therein, and to take them to the jail for examination.

14. Any persons who shall infringe or disobey the license law of this Province, the provisions of this bye-law or ordinance, or any other bye-law or ordinance hereafter to be made by the Town respecting or regulating the sale of intoxicating or fermented liquors, or the government and management of the shops, taverns, hotels or other places where intoxicating or fermented liquors are sold, or shall be guilty of selling or furnishing intoxicating liquors to Indians, minors, or apprentices, or shall forcibly oppose the Mayor, Councillors, Recorder and Stipendiary Magistrate, Clerk of License or Police Constable in their inspection of the premises, or in exercising their duty under this bye-law or ordinance; or shall suffer any card-playing or gaming to be carried on therein, shall, for every offence, be liable to a penalty of not more than twenty dollars for every offence, and in default of payment of such fine with costs forthwith, shall be subject to imprisonment in the County Jail for a period, in the case of sale to minors and Indians, not exceeding twenty days, and in the other cases enumer-

ated, for a period not exceeding ninety days, or until the fine and costs are paid, and in case of any party convicted a second time for any such offence, his license may be revoked or suspended by the Mayor and License Committee or a majority of them.

15. It shall be the duty of the Police Constable, and any other person appointed by the Council for that purpose, on view, or when thereto ordered by the Mayor, Stipendiary Magistrate, or any Councillor, to arrest all persons found in the streets or public places of the Town, in a state of intoxication and detain them in the jail for examination, and the Mayor, Stipendiary Magistrate, or any Councillor shall inflict such fine or imprisonment, as by the laws of the Dominion of Canada is in such case ordered and provided.

16. If in such examination such person shall disclose the place where he obtained and the party who furnished him with intoxicating liquors, and if the party whose name is disclosed have no license to sell intoxicating liquors, the Mayor, Stipendiary Magistrate, or Presiding Councillor, shall issue a summons against the person whose name has been so disclosed as aforesaid, and the proprietor of the place where the liquor was obtained, who shall thereupon be prosecuted for selling liquor without license.

17. If the proprietor of the place where the intoxicating liquor has been obtained, hold a license for the sale of intoxicating liquors in force when the said liquor was furnished, the Mayor shall cause to be served on said proprietor a notice requiring him not to sell or furnish intoxicating liquor to the party so intoxicated as aforesaid, for a period of six months from the date of said notice, and if the said proprietor shall furnish liquor to the said party, at any time within the said period, he shall be liable to a fine of not less than twenty or more than fifty dollars for each offence with costs, and to be confined in the lock-up or County Jail until such fine and costs are paid.

18. Any person or persons who shall sell or barter any intoxicating or fermented liquors in quantities less than ten gallons to be delivered at one and the same time, without having first obtained a license therefor, or after the said license shall have expired or been revoked or suspended, shall be liable to the following forfeitures and penalties:—For the first offence, ten dollars or imprisonment in the lock-up or County Jail for a term not exceeding twenty days in the event of immediate non-payment of fine. For the second offence, twenty dollars or imprisonment, as aforesaid, for a term not exceeding forty days, and for a third offence, forty dollars or eighty days imprisonment, and for every subsequent offence, eighty dollars or three months imprisonment.

19. No Councillor of the Town or Justice of the Peace shall hold a licence for the sale of intoxicating liquors, or be directly or indirectly interested in the sale thereof by retail.

20. Penalties under this chapter shall be recovered in the name of the Town of Truro, and shall be sued for in the Municipal Court in the same manner, and with the like costs as a private debt, and all penalties recovered shall be paid to the Town Treasurer, to become part of the funds of the Town.

21. The Mayor, Councillors, Recorder, Clerk of License, or any person acting under written authority from the Clerk of License, is hereby empowered to enter into or upon the premises, or into the shop, store, dwelling house, or other building of any person who (whether holding a license or unlicensed) is generally reputed and suspected of violating any law respecting the sale of intoxicating liquors, or of violating the License law, or of selling liquor without License; and any person so suspected, shall upon being required by any of such officers or persons so authorized as aforesaid, immediately open his premises and grant free admission to the same; and any

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person who shall refuse free admission to his premises, shop, store, dwelling house or other building, or who shall not open the same and grant free access thereto, and who shall not permit any of the said officers or persons to so enter, or who shall obstruct any officer or person in the performance of his duty, shall be liable on conviction to a penalty of Twenty dollars for every such offence, to be prosecuted in the name of the Crown, or of any person who shall prosecute therefor, before the Municipal Court of said Town, and in the event of such fine not being paid, the party convicted shall be imprisoned in the County Jail or Lock-up, for a term of not less than twenty days or more than ninety days.

#### TRUCKMENS' REGULATIONS.

1. No person shall drive any truck, cart or sled or carriage, for the transportation of goods, wares and merchandize or other things whatsoever within the Town of Truro, for hire or wages, unless he shall be license<sup>d</sup> as a Truckman, under a penalty of Five dollars for each offence, and no person shall be entitled to receive a License who shall not produce a written recommendation signed by parties willing to be sureties. License to be granted on application to the Mayor and Committee of License, such License to stand in force until the first day of March then ensuing.

2 On granting such license the persons obtaining the same shall execute a bond to the Town of Truro, in the sum of Eighty dollars and two good sureties, each in the amount of Forty dollars conditioned for his orderly driving and the security and safe conveyance of such articles as he may be required to transport, and also for the strict and due observance of this ordinance or bye-law, such bond to be furnished by the Town Clerk.

3. Such bond shall be drawn to stand in force for one year, or such proportionate part thereof as the license shall be in force.

4. The sum of two dollars and fifty cents shall be the license fee for the first horse, and one dollar for each additional horse, and shall be paid annually. Licenses shall expire on the first day of March in each year.

5. Every box-cart used by a licensed truckman shall be capable of holding three quarters of a ton of coals without being heaped up, and shall be provided with such boards at the ends and sides as shall perfectly protect that quantity, viz: three quarters of a ton, from falling out.

6. Every licensed truckman shall cause the initial letter of his christian name and his surname in full length, and also the number of his license, to be painted in large legible characters upon each side of his cart, truck or sled, and so continue the same under the penalty of one dollar for every day that he shall drive his cart, truck or sled, without having his name and number so presented thereon.

7. The Mayor or Committee on Licenses, on the granting of each license shall appoint the stand for the persons for the stand so to be licensed, and all trucks, carts or sleds, when not employed must be placed and kept during working hours, at the several stands allotted to their respective proprietors, in such way and order as may be directed, and any truckman taking up any other stand than that to which he shall be appointed, or deviating from the order prescribed, shall be considered as violating this clause.

8. No licensed truckman being on his stand shall refuse or neglect to cart, truck or employ his horse and cart, truck or sled, for any person within the Town of Truro when so requested.

9. No person under the age of sixteen years shall be permitted to drive a truck, cart or sled, for hire,

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and the license holder of every cart, truck or sled, shall be answerable and accountable for the good conduct and behaviour of such driver as he may employ, and of the observance of all the regulations made or to be made relative to truckmen, and any driver of such cart, truck or sled, who may be guilty of drunkenness, shall be dismissed by order of the Mayor or any one of the committee, and also forfeit and pay the sum of one dollar and the license of such truck, cart or sled, shall be suspended or forfeited by the Mayor or any one of the committee, according to the nature of the offence of such driver.

10. No licensed truckman or driver shall drive his horse faster than a slow or easy trot, in or through any part of the town.

11. No truckman shall refuse or neglect immediately to obey any call for any public duty to be made on him by the Mayor or any of the Councillors, Stipendiary Magistrate or Police Constable, and upon his refusal or neglect so to obey, his license shall be suspended for such time as the Mayor or Councillors shall think proper for such offence.

12. If any licensed truckman shall neglect to occupy his stand or cease to truck for the space of one month, he shall be considered as having resigned his stand, and shall not be entitled thereto unless prevented by sickness or other unavoidable accident, but may apply for and obtain a new stand,

13. No truckman shall leave his horse and cart, truck or sled, without a driver, or shall feed his horse (except from a noose bag) in any one of the public streets or lanes of this town.

14. No truckman whose license shall have been taken away or suspended, shall drive any cart, truck or sled, within the town for hire, without obtaining permission or a new license therefor.

15. Every licensed truckman shall have affixed to the harness used for the purpose of drawing his sled

or sleigh, at least four good open bells or six round bells, such as are continually used on sleighs.

16. Every truckman in driving his cart or sled, shall leave the centre of the street on his right hand side.

17. When the driver of any cart, truck, or sled, attempts to pass another cart, truck, or sled, or any carriage having its head in the same direction, such driver shall take care to pass on the right hand side of such cart, truck, or sled, or carriage, which he is about to pass.

18. Whenever any cart, truck, or sled, shall at any time stop whether loading or unloading, on any of the Town streets, the same shall not be placed nearer to the centre of the street than eighteen inches.

19. In removing the furniture of a house the rate shall be settled by agreement of the parties, if not so settled, fifty cents per load per half mile shall be charged and paid.

20. If any licensed truckman shall ask, demand, or receive from any person any greater rates or fares than is allowed and prescribed or may hereafter be allowed or prescribed, he shall forfeit his license, and pay the sum of not less than one dollar or more than five dollars.

21. The licensed truckman or driver in charge of his trucks, cart, or sled, shall be bound to load and unload, and to assist on all occasions when employed, as far as such truckman or driver is capable.

22. Every licensed truckmen shall be furnished by the Clerk of License, with copies of this ordinance and with cards containing the rates and table of distances, to be made out and fixed by the Mayor and Council, and the persons in charge of any licensed truck, cart, or sled shall be bound, on request of any person employing the same, to produce and exhibit to him such card of rates, distances and loads, under the penalty of fifty cents for such refusal, and such re-

fusal shall justify the employers in withholding payment, until properly satisfied as to the rate charged.

23. The Clerk of License shall make out and issue all licenses for truckmen, and the bonds connected therewith.

24. All fines and penalties under this ordinance may be recovered in the Police Court, in the name of the Town.

25. The Committee of License shall, from time to time, fix and regulate the amount that shall be considered a full and regular load under this ordinance, for a horse and cart, truck or sled, and shall post the same in the office of the Town Clerk.

### COMMERCIAL TRAVELLERS.

1. No commercial traveller, or agent who is not a rate-payer in this Town, shall sell or offer for sale, within the said Town, any kind and description of goods, wares and merchandize, either by sample or otherwise, without first obtaining a license from the Town for the purpose, such license to be signed by the Mayor, and in his absence, by the acting Mayor, and for the granting of such license the applicant shall pay to the Town of Truro, the sum of ten dollars, to be paid to the Town Treasurer, to become part of the revenues of the Town. This ordinance shall not apply to any person resident in this Province, bringing produce, provisions, fuel and supplies, nor to any person bringing fuel or agricultural produce to the Town.

2. Any person violating this ordinance shall be subject to and pay a fine of not less than five or more than ten dollars, in addition to the license fee, for each offence, to be prosecuted for by any party who may inform, in the name of the Town of Truro, and on conviction and non-payment of fine, imprisoned for not more than twenty days in the County Jail;

such offence to be tried before the Recorder or one or more of the Town Council.

### EXHIBITIONS.

1. No theatrical exhibition, public show, or exhibition, to which admission is obtained by the payment of money shall be offered to view, set up, maintained, carried on, or published, within the Town, without a license first had therefor, which license shall be granted by the Mayor on the payment of a fee or sum of not less than two dollars nor more than thirty dollars, the amount to be fixed by the Mayor and expressed in said license, every license shall express the number of days it is to continue in force, and an additional sum of one dollar shall be demanded for every day beyond the number stated in the license, such theatrical exhibition, public show or exhibition is continued, such license may be renewed on terms to be fixed by the Mayor.

2 All such exhibitions shall be closed at night by the hour of eleven o'clock Any person who shall offer to view, or shall set up, set on foot, maintain or carry on, or shall publish or otherwise assist in any theatrical exhibition, public show or exhibitions of whatever name or nature to which admission is obtained on payment of money, without a license previously obtained from the Mayor, agreeable to this ordinance, shall forfeit and pay to the town for every offence a fine not exceeding sixty dollars, and in default of payment shall be liable to be imprisoned in the County Jail or lock-up for a term not exceeding thirty days.

3. Any person having charge of such an exhibition who shall keep the same open at night beyond the hour herein prescribed, shall forfeit his license and pay a fine not exceeding ten dollars, and in default of payment shall be imprisoned in the County

Jail or lock-up of the Town, for a period not exceeding fifteen days.

4. The Mayor may withdraw the license and order the exhibition to be at once closed if it appears to him that it is immoral, profane or indecent.

### ANNUAL MEETING.

1. The annual meeting shall, unless otherwise ordered by the Council, be held in the Court House on the Tuesday before the first Tuesday of May, at the hour of three in the afternoon, of which meeting five days notice shall be given by bills posted in three conspicuous places in each ward.

2. Whenever at such meeting it is contemplated to recommend any sum required to meet any extraordinary service or improvement, the Mayor or Chairman shall at the commencement of the meeting announce the hour when the vote shall be taken, and on the arrival of the hour other business shall be suspended and the voting proceeded with, after which the suspended business may be proceeded with, or new business entered on, provided that no business shall be transacted at such meeting except such as is provided in the forty-fourth section of the Act Incorporating the Town of Truro.

3. The Town Clerk shall provide a separate sheet for any service or improvement recommended by the Council, the heading of which shall designate the service or improvement recommended; said sheet shall contain three columns, in one of which shall be printed or written in alphabetical order of the surnames the name of every rate payer of the town entitled to vote at such meeting, and the others shall be headed respectively, "Aye" and "Nay," and may be in the form in Schedule A hereto annexed.

4. The finding of the names of the rate payers on the same sheet, or the production of his receipt for

the taxes of the preceding year, shall determine the right of any person to vote at such meeting.

5. In taking the vote the Town Clerk shall call out the name of the rate-payers on his list, when such rate-payer, if present, shall give his vote "Aye" or "Nay," and the Town Clerk shall immediately record the same under the respective column according to the vote given.

6. Any rate-payer whose name shall have been omitted from the list, shall be entitled to have his name entered on the list, and to vote in like manner, on production of his tax receipt for the preceding year.

7. If more than one service or improvement shall be recommended by the Council, the rate-payers shall vote on each separately, but at one and the same time. The lists after every meeting shall be endorsed and carefully filed away to serve as records.

### TO SUPPLY VACANCIES.

1. Upon any vacancy occurring within the year of the office of Mayor or Councillor—the Mayor—or if it be a vacancy in the office of Mayor, the Presiding Councillor shall declare the office to be vacant, and the voters shall thereupon elect a qualified person to fill the vacant office.

2. The election for a vacancy shall be conducted as to nominations and in all other respects in the same manner as ordinary elections under the Act of Incorporation of the Town of Truro.

3. The Mayor or Presiding Councillor shall on declaring the office vacant declare the day on which the election to fill the vacancy shall be held.

4. If at any election of Councillor any person shall be elected for more than one ward, he shall, within one week after, make his election for which ward he will sit and communicate his decision to the

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Mayor or Presiding Officer, and in default of his doing so the Mayor or Presiding Officer shall make the election, and shall declare the other ward or wards vacant, and another election shall be had in the vacant ward or wards in manner aforesaid.

5. A Councillor may resign office,—if within one year from his election by the payment of forty dollars to the Town— or at any time by a vote of four of the Councillors concurring in such resignation; after twelve months service any Councillor may resign on giving two months notice of such his intention to the Mayor or Presiding Councillor.

6. All resignations and notices under this bye-law shall be in writing and signed.

7. Any Mayor or Councillor, bankrupt insolvent or compounding with his creditors by a general deed of assignment, shall become disqualified, and the Mayor or Presiding Officer shall thereupon declare the office vacant.

8. Any Mayor or Councillor who shall absent himself from the Town or shall neglect his duty for the space of two months, unless in case of serious illness incapacitating him, or by leave obtained by vote of the Council, shall forfeit and pay the sum of twenty dollars for each month he shall be so absent or neglect his duty, to the use of town, to be recovered in the Town Court.

# APPENDIX.

## ASSESSMENTS.

### SCHEDULE A.

- Column 1.—Names of taxable party.
- " 2.—Name of ward and street in which the real property lies.
- " 3.—Description of real property, whether house, land, &c.
- " 4.—Quantity of land.
- " 5.—Annual value of each separate value.
- " 6.—Actual value of all the real property of the party assessed.
- " 7.—Total value of personal property of party assessed.
- " 8.—Annual value of the same.

### SCHEDULE B.

<i>Appellant.</i>	<i>Respecting whom.</i>	<i>Matter complained of.</i>
A. B.	Self.	Overcharge on land.
C. D.	E. F.	Name omitted.
G. H.	J. K.	Undercharge on land.
L. M.	N. O.	Undercharge on personal property, &c.
&c.	&c.	

### SCHEDULE C.

Sir,—Take notice that you are requested to attend the Court of Appeal and revision on the ..... day of ..... in the matter of the following appeal ..... Appellant ..... Subject.  
 To.....  
 ....., Town Clerk.

### SCHEDULE D.

TRURO, ....., 18  
 You are hereby notified that you are rated and assessed for the current year 18.. in the sum of ..... dollars and ..... cents for town, county and poor rates, and that unless the amount be paid at the office of the Town Clerk within thirty days from the date hereof, ten per cent, will be added thereto, besides all charges and costs of collecting, and a warrant of distress will be levied.  
 To.....  
 ....., Town Treasurer.

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SCHEDULE E.

Whereas ..... is indebted to the Town of Truro in the sum of ..... for rates for the year 18.. and has failed to pay the same, you are hereby required immediately to distrain the goods and chattels of the said ..... for the said sum, and ten per cent. additional and ..... for the cost of collection, and if need be to remove them to some place for safe-keeping, and if within ..... days after distress made, the property so detained is not redeemed by payment of the said sum, with the ten per cent. thereon, besides the cost of collection, and any necessary additional charges be not paid, you shall sell the goods and chattels so distrained upon to satisfy the same.

Truro, ....., 18..

To ..... Town Treasurer.

SCHEDULE F.

DOMINION OF CANADA,  
PROVINCE OF NOVA SCOTIA.

TOWN OF TRURO,  
COLCHESTER, N. S.

Know all men by these presents, that ..... are held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the sum of Two Hundred Dollars of lawful money of Canada, to which payment we jointly and severally bind ourselves, our heirs, executors, and administrators, by these presents, sealed with our seals.

Dated at Truro the ..... day of ..... in the year of our Lord One Thousand Eight Hundred and .....

Whereas the above bounden ..... has been granted a license for the sale, by retail, of intoxicating liquors in the ..... kept by the said ..... on ..... Now, the condition of this obligation is such, that if said ..... shall in all respects conform to the Laws in force respecting the retail of intoxicating liquors, and connected with such License, then this obligation shall be void, but otherwise shall remain in full effect.

Signed, Sealed, and Delivered, }  
in the presence of }

—o—

LICENSES.

AUCTIONEER'S LICENSE.

LICENSE OFFICE,

Town of Truro, ..... 18..

License is hereby granted to ..... to carry on the business of Auctioneer in the Town of Truro, for one year from the date hereof, he complying with the Bye-Laws and regulations of the Town made or to be made pursuant thereto, and having paid to the Town Treasury the License duty.

Given under the hand of the Mayor and Town Clerk this ..... day of ..... in the year of our Lord One Thousand Eight Hundred and .....

License duty paid this .....  
..... Town Clerk. .... Mayor.



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