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No. 24.

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2nd Session, 7th Parliament, 26 Victoria, 1863.

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**BILL.**

**An Act to amend the Lower Canada Consolidated Municipal Act.**

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Received and read, 1st time, Friday, 27th  
February, 1863.

2nd Reading, Monday, 2nd March, 1863

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**Mr. O'HALLORAN.**

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**QUEBEC :**

**PRINTED FOR THE CONTRACTORS BY  
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An Act to amend the Lower Canada Consolidated Municipal Act.

**F**OR the purpose of amending the Lower Canada Consolidated Municipal Act, chapter twenty-four of the Consolidated Statute for Lower Canada, her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Preamble.

5 POWERS COMMON TO ALL MUNICIPAL COUNCILS.

1. To paragraph eight of section twenty-four the following proviso shall be added:

Paragraph added. Total amount of rates limited.

10 “Provided that the total amount of rates so raised and levied in any municipality for any one year, shall not exceed cents upon the dollar of the annual value of the assessable property in such municipality, reckoning the annual value at the rate of six per centum per annum upon the actual assessed value of such property; unless such rates be imposed to satisfy some judgment, or to discharge some obligation or liability existing against such Municipality at the time of  
15 the passing of this Act.”

SPECIAL POWERS OF COUNTY COUNCILS.

2. The tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth paragraphs of section twenty-six, are hereby repealed.

Paragraph repealed.

POWER COMMON TO ALL LOCAL COUNCILS.

20 3. Paragraph sixteen of the twenty-seventh section is hereby repealed, and the following shall be substituted in the place and stead of said paragraph so repealed:—

Paragraph repealed.

25 “16. Every Local Council shall also have power to make, in the month of March of every year, By-laws (not being inconsistent with the provisions of chapter six of the Consolidated statutes for Lower Canada) for the following objects, that is to say:—

New provision. Local Councils may make by-laws respecting sale of spirituous liquors, &c.

30 *First.*—For prohibiting and preventing the sale of all spirituous, vinous, alcoholic and intoxicating liquors, or to permit such sale, subject to such limitations as they shall consider expedient.

*Second.*—For determining under what restrictions and conditions, and in what manner the Collector of Inland Revenue of the district shall grant licences to shop-keepers, or others, to sell such liquors.

35 *Third.*—For fixing the sum payable for each such license, but such sum shall in no case be less than the sum payable therefor on the first day of July, one thousand eight hundred and fifty-six.

40 *Fourth.*—For the ordering and governing of all shop-keepers, tavern-keepers, or other retailers of such liquors, in whatever place they may be sold, in such manner as the council deems proper and expedient for the prevention of drunkenness. And no Collector of Inland Revenue shall grant any license for the sale of any such liquors aforesaid, in any local municipality in which such sale has been prohibited by by-law; nor in any local municipality where a by-law determining the restrictions and conditions under which such license may be granted has been passed.

otherwise than in conformity with the provisions thereof, provided a copy of such By-law has been transmitted by the Secretary Treasurer to such Collector of Inland Revenue.

ROADS.

Roads public-ly used for a certain time to become highways. 4. After paragraph eighteen of section forty the following paragraph shall be added:— 5  
"19. And any road left open to and used as such by the public, without contestation of their right, during a period of ten years and upwards, shall be held to have been legally declared and established as a Public Highway by some competent authority, and to be a Road 10 within the meaning of this Act."

OLD PROCES VERBAUX, BY-LAWS AND REPARTITIONS

As to Proces Verbaux obliging inhabitants of one Municipality to work on roads, &c. in another. 5. After paragraph five of section forty-four, the following paragraph shall be added:—  
"6. Every *proces verbal*, By-Law or Order, touching any Road, 15 Bridge or Water-course, which requires any local Municipality, or the inhabitants or any portion of the inhabitants of any local Municipality in which such Road, Bridge, or Water-course is not situate, to contribute in any manner to the making, repairing, or maintaining of the same, which shall not have been made or consented to by the Municipal 20 Council of the said local Municipality, is hereby repealed and annulled, in so far as such local Municipality and the inhabitants thereof so bound to contribute are concerned."

PUBLIC WORKS MADE BY ASSESSMENT.

Notwithstanding 8. 53, any local Council may order roads in their Municipality to be made by re-partition. 6. Notwithstanding anything contained to the contrary in the fifty- 25 third section of the said Act, the Council of any local Municipality may, by any By-law to come into force on the first day of January next after the time of its passing, enact, that the Roads, with the exception of the public Bridges thereon, in such local Municipality, which the owners or occupiers of land in such local Municipality, or any of 30 them, are bound to make and maintain, shall thereafter be made and maintained, not by money to be raised for that purpose by assessment, but by *répartition* or apportionment of labour, to be made in accordance with the provisions of the forty-seventh section of the said Act.

DUTIES OF SECRETARY TREASURER.

Sec. Treas. to procure certain Registration documents affecting territory then in the County but having formerly been in another, if the Council has not done so. 7. Whenever the Municipal Council of any Registration County or 35 Division which contains within its limits for registration purposes any territory which heretofore formed part of a different Registration County or Division, shall not have procured from the Registrar of the Registration Division in which such territory was formerly included, 40 copies of the enregistered entries affecting all real property within such territory, or abstracts of the same, as prescribed by the ninety-fourth section of the thirty-seventh chapter of the Consolidated Statutes for Lower Canada, it shall be the duty of the Secretary Treasurer of such Municipal Council to procure from the said Registrar having the 45 custody thereof, copies of so much of the alphabetical indexes, lists, and minute books required to be kept by the sixty-first, sixty-second, and sixty-third sections of the thirty-seventh chapter of the Consolidated Statutes for Lower Canada, as relates to the real property included in the said territory, duly certified by the said Registrar, and to 50 deposit the same in the Registry Office of the Registration Division within which such territory is now situate; and the reasonable expense

of procuring the said copies shall be paid by the County Municipality within which such territory is situate.

**INTERPRETATION.**

8. In this Act, the sections referred to, when not otherwise men-  
5 tioned, are the sections of the Lower Canada Consolidated Municipal  
Act; the paragraphs referred to are the paragraphs or sub-sections of  
the said Act; and this Act shall be construed as forming part of the  
Lower Canada Consolidated Municipal Act; and any citation of, or  
reference to, the "Lower Canada Consolidated Municipal Act" here-  
10 after made shall mean the said Act as amended by this Act and pre-  
vious Acts amending the said Act. How this Act  
shall be con-  
strued.