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1842?

## BILL.

### An Ordinance to provide for the better internal Government of this Province, by the establishment of local or municipal authorities therein.

#### Preamble.

WHEREAS, for the better protection and management of the local interests of Her Majesty's subjects in this Province, and for the advancement of the internal prosperity thereof it is expedient and necessary that Municipal authorities be established in the several Districts of the said Province :—Be it therefore Ordained and Enacted, by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs thereof constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland passed in the first year of the Reign of Her present Majesty, intituled, “*An Act to make temporary provision for the Government of Lower Canada;*” And also by virtue and under the authority of a certain other Act of the said Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “*An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;*” And it is hereby Ordained and Enacted, by the authority of the said Acts of Parliament, that this Province shall, for the purposes of this Ordinance, be divided into such number of Districts as to the said Governor shall seem fit; and it shall be lawful for the Governor, by and with the advice of the Executive Council for the said Province, on or before the first day of January which will be in the year of our Lord one thousand eight hundred and forty-one, to issue a Proclamation under the Great Seal of the said Province, whereby the said Province shall be divided into Districts and the limits of such Districts fixed, appointed, and declared.

Districts to be declared and their limits fixed by the Governor's Proclamation.

Inhabitants of Districts incorporated.

II. And be it Ordained and Enacted, that the inhabitants of each of the Districts so determined, appointed, and declared, shall be and they are hereby constituted a Body Corporate, and as such shall be capable in law of suing and being sued; and of purchasing and holding lands and tenements situated within the limits of such District, for the use of the inhabitants thereof; and of making and entering into such contracts and agreements as may be necessary for the due exercise of the functions of such Body Corporate, to which contracts and agreements it shall not be required, for their validity, that a seal be affixed: and the powers aforesaid shall be exercised by, and through, and in the name of the Council of every such District.

Councils to consist of Wardens and Councillors.

III. And be it Ordained and Enacted, that each of the said District Councils shall consist of a Warden and Councillors to be appointed and elected as hereinafter provided.

Appointment of Wardens.

IV. And be it Ordained and Enacted, that it shall be lawful for the Governor of this Province by Letters Patent to be issued under the Great Seal of this Province to appoint from time to time, as occasion may require, one fit and proper person to act as Warden in each of the said Districts; which person shall perform the duties of the office of Warden as hereinafter prescribed.

Election of Councillors.

V. And be it Ordained and Enacted, that, on the 1<sup>st</sup> of January in every year such of the inhabitants of the Townships and Parishes comprised within each of the said Districts respectively as,

according to the provisions hereinafter contained, shall be duly qualified to vote, shall assemble at some convenient place within the limits of their respective Townships or Parishes, and elect from persons duly qualified as herein-after prescribed one or more and such number of Councillors as such Township or Parish, according to provisions hereinafter contained, may be entitled to elect, or such portion of that number as it may be necessary to elect in order to supply the places of those who, according to provisions hereinafter contained, may then retire, or may have ceased to be in office as Councillors.

VI. And be it Ordained and Enacted, that the Warden for the time being for each of the said Districts, before the said day of

Justices to preside at Elections.

shall and may issue his warrant, in the name of Her Majesty Her Heirs or Successors, under his hand and seal, to be directed to some one or more of the Justices of the Peace resident in each of the several Townships or Parishes within the District, and if in any Township or Parish there be no Justice of the Peace resident then to some one or more of the Justices of the Peace resident in an adjoining Township or Parish, requiring him or them to preside at such election and to conduct and certify the proceedings to be had at the same; which warrant shall, by such Justice of the Peace, be duly executed.

VII. And be it Ordained and Enacted, that the Justice or Justices of the Peace who shall preside at such Elections, or at any Election to be held in pursuance of the provisions of this Ordinance, shall have the like authority to administer oaths, preserve order, enforce obedience, and commit for a contempt of his or their authority, as before the passing of the aforesaid Act of the Imperial Parliament, intituled "*An Act to make temporary provision for the Government of Lower Canada,*" belonged to any Returning Officer at an election of a Member to serve in the Legislative Assembly of this Province.

Authority of presiding Justices to preserve order, &c.

VIII. And be it Ordained and Enacted, that the number of Councillors to be elected for each of the said Districts shall be regulated as follows, that is to say: every Township or Parish containing seven hundred souls and under that number shall elect one Councillor; and every Township or Parish containing from seven hundred to two thousand souls shall elect two Councillors; and every Township or Parish containing two thousand souls and upwards shall elect three Councillors; and no Township or Parish shall be entitled to elect more than three Councillors.

Number of Councillors for the several Districts.

IX. And be it Ordained and Enacted, that it shall be lawful for the Governor of this Province, before the first Monday in January in the year of our Lord one thousand eight hundred and forty-one, to fix and determine, by Proclamation under the Great Seal of the Province in this behalf to be issued, the number of Councillors which, according to the amount of their population (the same to be ascertained as accurately as may be) shall be elected by each and every Township and Parish in the several Districts of this Province; and it shall be lawful for the said Governor, by proclamation and proclamations hereafter as occasion may require to be issued, to fix and determine the increased representation to which any Township or Parish may be entitled in the Council of the District of which it makes part, by reason of such Township or Parish having reached an augmented amount of population according to the scale aforesaid.

To be determined by Proclamation.

X. And be it Ordained and Enacted, that every male person of full age who, at the passing of the aforesaid Act of the Imperial Parliament, intituled "*An Act to make temporary provision for the Government of Lower*

Qualifications and disqualifications, of voters, oaths, &c.

*Canada,*" was or might have been qualified in respect of estate to vote at any election of a member or members to serve in the Legislative Assembly of this Province, for any of the several Districts, Counties, Circles, Towns, or Townships within the same, shall be, and all such persons are hereby declared to be, qualified in respect of estate to vote at the election of Councillors in any of the aforesaid Districts respectively ; and all the laws and provisions at the passing of the said Act of the Imperial Parliament in force within this Province relating to the qualifications and disqualifications of voters at the elections of members to serve in the said Legislative Assembly, and to the oaths to be taken by voters at the said last mentioned elections, shall apply to every election of Councillors under this Ordinance, and shall determine the qualification and disqualification of voters at such elections, and shall have the same force and effect as if, for the purposes of this Ordinance, such laws and provisions were herein especially enacted : Provided always, that when and so soon as any rate or rates, assessment or assessments, shall be laid under the authority of this Ordinance, no freeholder, inhabitant house-holder, or other person whatsoever, shall be entitled to vote at any election of a Councillor or Councillors as aforesaid unless he shall have been previously rated in respect of all such rates or assessments as may have been laid within the District to which he belongs, and shall have paid all such rates and assessments within such District as may have become due and payable by him before the holding of any such election.

Certain persons inc. able of being elected Councillors.

XI. Provided also, and be it Ordained and Enacted, that no person being a Judge of any Court of Justice within this Province ; nor any person accountable for the District revenues ; nor any person receiving any pecuniary allowance from the District for his services ; nor any person having, directly or indirectly, by himself or his partner, any contract or any share or interest in any contract with or on behalf of the District ; nor any person who, according to the laws and provisions at the passing of the aforesaid Act of the Imperial Parliament, intituled "*An Act to make temporary provision for the Government of Lower Canada*" in force in this Province, was, or might have been, disqualified to sit or vote as a Member of the Legislative Assembly of this Province shall be qualified to be elected a Councillor in any such District.

Elections to conclude in one day.

XII. And be it Ordained and Enacted, that the election of Councillors within every such District shall be concluded on the same day on which it is commenced ; and the voting at every such election shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the day of election.

Penalty for refusing to serve.

XIII. And be it Ordained and Enacted, that every person, duly qualified who shall be elected to the office of Councillor in any District within this Province shall accept such office, or, in lieu thereof, shall pay to the Treasurer of the District in which he shall have been so elected, such fine, not exceeding the sum of £ currency as the Council of such District, by a By-law to be made as hereinaster provided, shall determine in that behalf ; and such fine if not duly paid shall, together with the reasonable costs of recovering the same, be levied by distress and sale of the goods and chattels of the person so refusing to accept office, in execution of the warrant of any Justice of the Peace having jurisdiction within the District who is hereby required, on the application of the Council and after the conviction of the person so making default by confession or on the oath of one or more credible witnesses, to issue such warrant ; and the fine so recovered shall be accounted for by the said Treasurer as part of the District fund in his hand : Provided

How recovered

always, that no person disabled by permanent infirmity of body or mind ; nor any person above the age of sixty-five years ; nor any person who within five years from the day on which he shall have been so elected shall have already served the said office of Councillor, or paid a fine for not serving the same, shall be liable to such fine as aforesaid.

XIV. And be it Ordained and Enacted, that no person elected a Councillor in any District shall be capable of acting as such, except in administering the Oaths hereinafter mentioned, until he shall have taken and subscribed before any two Councillors of such District, who are hereby authorised to administer the same to each other, the Oath of allegiance to Her Majesty Her heirs and successors, and also an Oath in the words or to the effect following, that is to say :—“ I, A. B. having been elected Councillor in the District of                  do hereby promise and swear that I will duly, faithfully, and diligently serve such office and fulfil the duties thereof according to the best of my judgment and ability. So help me God.”

Oaths to be taken by Councillors.

XV. And be it Ordained and Enacted, that every person duly qualified who shall be elected to the office of Councillor, as aforesaid, shall take and subscribe the Oaths hereinbefore mentioned within                  days after notice of his election ; and in default thereof such person shall be deemed to have refused to accept the said office, and shall be liable to pay the fine aforesaid as for non-acceptance of office ; and the said office shall thenceforward be deemed to be vacant and shall be filled up by another election.

Time for taking the Oaths.

XVI. And be it Ordained and Enacted, that in cases where any person elected to the office of Councillor in any of the said Districts shall refuse to accept such office or shall refuse or neglect to take and subscribe the above mentioned Oaths, it shall be lawful for the Justice or Justices of the Peace, or any of them, who shall have presided at the election at which such person was elected, as often as such case of refusal or neglect shall occur, to proceed, after due notice in this behalf to the electors, to another election of a fit and proper person to supply the place of the person who shall have so refused or neglected to accept office or to take and subscribe the said Oaths ; and the Councillor who may be elected at such new election shall hold office until the time at which the person in whose place he may have been elected would, according to the provisions hereinafter contained, have gone out of office and no longer, but shall be capable of immediate re-election unless otherwise disqualified as aforesaid.

Vacancies caused by refusing to take oaths, &c. how filled up.

XVII. And be it Ordained and Enacted, that if a vacancy or vacancies in any of the said Councils, whether arising from the death of any one or more of the Councillors or any other cause, shall occur before the annual period of election as hereinbefore prescribed, it shall be lawful for the Warden of the District in which such vacancy or vacancies shall have occurred to issue, in the name of Her Majesty Her heirs or successors, his Warrant under his hand and seal, directed to one or more of the Justices of the Peace resident in the Township or Parish in which such vacancy or vacancies shall have occurred, and if there be no Justice of the Peace resident therein then to some one or more of the Justices of the Peace resident in an adjoining Township or Parish, requiring him or them to proceed, after due notice in this behalf to the electors, in causing an election to be made of a Councillor or Councillors to supply such vacancy or vacancies, which warrant shall by such Justice or Justices of the Peace be duly executed ; and every Councillor elected under such war-

Other vacancies how filled up.

rant shall vacate his seat in the Council at the time when the person in whose stead he shall have been chosen would, according to the provisions hereinafter contained, have vacated his seat, but shall be capable of immediate re-election, if not otherwise disqualified : Provided always, that no such warrant shall be issued as aforesaid after the                    day of                    in any year.

**XVII.** And be it Ordained and Enacted, that on One-third of the Council to the retireannually. in the year of our Lord one thousand eight hundred and forty-two, and in the one third part of the entire number of Councillors in every District shall go out of office, and on the said

in the said year of our Lord one thousand eight hundred and forty-two, it shall in each and every District be determined by lot which among the Councillors shall go out of office for that year and for the next succeeding year ; but thenceforward in all future years those persons who shall have been Councillors without re-election for the longest time shall vacate their seats : Provided always, that every Councillor who shall so go out of office shall, if not otherwise disqualified, be capable of being immediately re-elected.

Order of retirement of Councillors in the first and second years.

**XVIII.** And be it Ordained and Enacted, that in order to determine in each of the said Councils what Councillors are to vacate their seats as aforesaid in the first and second years after the first election under this Ordinance, the Clerk to be appointed as hereinafter provided in each of the said Districts, or other Officer to be appointed for that purpose by the Council, shall on or before the day fixed for the vacating of seats write the name of each of the Councillors on a piece of paper and place the same folded up in a glass or box, from which the names shall be drawn by some person appointed by the Council for that purpose, and the first and other Councillors whose names shall be drawn in succession shall vacate their seats, until one-third part of the entire number of Councillors shall have been drawn : Provided always, that no person whose name shall have been drawn in the first year after the first election aforesaid, and who shall then have retired from office and been re-elected, shall be required to go out of office in the second year after such first election, but the Officer whose duty it shall be to draw the names as aforesaid, shall draw another name in the place of any Councillor who may have been so re-elected ; and such Officer shall so continue to act as often as the case may require, until the number of names so drawn shall be complete according to the provisions herein contained.

Wardens to preside.

**XIX.** And be it Ordained and Enacted, that at all the meetings of every such Council the Warden of the District shall preside ; and, in case of his absence, death, or incapacity to act, or of any accidental vacancy in the office of Warden, the members shall choose from the Councillors present one of their number to be temporary Chairman in the place of such Warden during his absence, or during such accidental vacancy in the office of Warden.

Meetings of Councils to be quarterly.

**XX.** And be it Ordained and Enacted, that there shall be in each year four quarterly meetings of every District Council in this Province, which meetings shall be held on the first Tuesday in the months of March, June, September and December respectively, or on such other day in the first week in any of the said months as any such Council shall see fit to appoint ; and at no meeting of any such Council shall any matter be deliberated or determined on except such matters as fall within the scope of the powers and jurisdiction of such Council.

**XXI.** Provided always, and be it Ordained and Enacted, that extraordinary meetings of the said Councils may be held under the authority of the Governor of this Province, which authority to hold such meeting, shall be the Governor. signified in writing to the Warden of the District, who shall give due notice thereof to the Councillors of such District, and at such extraordinary meeting no matter shall be deliberated or determined on except those matters for which such meeting shall have been specially convened.

**XXII.** And be it Ordained and Enacted, that the meetings of every such Council shall be holden in some convenient place within the District to which such Councils shall respectively belong; and it shall be lawful for the Governor of this Province, by his proclamation under the Great Seal of the Province in that behalf to be issued, to appoint and determine the place of meeting for every such District.

**XXIII.** And be it Ordained and Enacted, that all acts whatsoever authorized or required by virtue of this Ordinance to be done by the Council of any of the said Districts, and all questions of adjournment or other questions that may come before any meeting of such Council, may and shall be done and decided by the majority of votes of the members present at such meeting, other than the Warden; and the Warden, or, in the absence of the Warden, the temporary Chairman, shall in all cases of equality of votes have a casting vote; and, in order to constitute a Quorum there shall be present at every such meeting a majority of the entire number of Councillors elected to serve in such Council.

**XXIV.** And be it Ordained and Enacted, that minutes of the proceedings of all meetings of the said Councils shall be drawn up and fairly entered in a book to be kept for that purpose by the Clerks of such Councils, respectively, which minutes shall be signed at the close of every such meeting by the Warden, or temporary Chairman, who shall preside thereat; and the said minutes shall be open to inspection by any elector of the District at all seasonable times on payment of a fee of

**XXV.** And be it Ordained and Enacted, that it shall be lawful for each of the said Councils to appoint, from and out of the Councillors elected to serve in such Council, such and so many Committees, consisting of such number of persons as they may think fit, for any purposes which in the discretion of such Council would be better regulated and managed by means of such Committees; but subject in all things to the authority, controul, and approval of the said Council.

**XXVI.** And be it Ordained and Enacted, that from and out of a list of three fit and proper persons to be submitted by each of the said Councils to the Governor of this Province it shall be lawful for the said Governor to select one to be and be called the District Clerk; and every such Clerk shall be appointed by an Instrument to be issued under the Great Seal of this Province, and shall hold his office during pleasure: Provided always, that if at the first meeting under this Ordinance, or at the next quarterly meeting after any vacancy shall have occurred in the Office of District Clerk, or at any extraordinary meeting to be called for the purpose of filling up such vacancy, any such Council shall fail to agree upon the three names to be submitted as aforesaid to the said Governor, then it shall be lawful for the said Governor to appoint some fit and proper person to be such Clerk.

**Appointment  
of District  
Treasurer.**

**XXVII.** And be it Ordained and Enacted, that it shall be lawful for the Governor of this Province to appoint in each of the said Districts one fit and proper person to be and be called the District Treasurer ; and such appointment shall be made by an Instrument to be issued under the Great Seal of this Province, after the person named by the said Governor shall have first given good and sufficient security, to be ascertained and determined by the said Governor, for the due execution of the office of Treasurer and for the faithful accounting for all monies which shall come into his hands by virtue of the said office.

**Duties of  
Treasurer.**

**XXVIII.** And be it Ordained and Enacted, that it shall be the duty of the Treasurer of each of the said Districts, respectively, to receive all monies which shall be raised under any by-law to be made as hereinafter provided by the Council of the District wherein he shall have been appointed Treasurer, and also all monies which, under any Act of competent Legislative authority within this Province, have been or shall be directed to be paid to or received by any such Treasurer, and to apply and account for the same in such manner as may be prescribed by any by-law of such Council or by any Act of such competent Legislative authority as aforesaid.

**Treasurer to  
keep books  
which shall be  
open to inspec-  
tion by Mem-  
bers of the  
Council.**

**XXIX.** And be it Ordained and Enacted, that every District Treasurer shall in books to be kept for that purpose enter true accounts of all sums of money by him received and paid, and of the several matters for which the same shall have been received and paid ; and the books so kept shall at all reasonable times be open to the inspection of every Member of the Council ; and all such accounts, together with all vouchers and papers relating thereto, shall four times in every year that is to say, within one month after every quarter day, be submitted, together with an abstract of such accounts for the last year, by the Treasurer to the District Auditors, (to be appointed as hereinafter provided,) for the purpose of being by them examined and audited ; and if the said accounts shall be found to be correct the same shall be approved and allowed by the said Auditors ; and after the said accounts shall have been so examined and audited the said Auditors shall make their report thereon to the Council at its next quarterly meeting ; and every such abstract and report shall be open at all reasonable times to the inspection of any Inhabitant of the District, who shall also be entitled to copies thereof on payment of a reasonable fee for the same.

**Accounts shall  
be audited.****Treasurer not  
entitled to re-  
ceive his salary  
until his ac-  
counts shall  
have been au-  
dited and  
passed.**

**XXX.** Provided always, and be it Ordained and Enacted, that no District Treasurer shall be entitled to any salary or remuneration whatever unless and until his accounts shall have been duly audited, approved, and allowed by the said District Auditors ; and in every bond or other security given by such Treasurer for the due execution of his office it shall be expressly conditioned that he shall render true accounts to such Auditors within the time and times prescribed by this Ordinance, or within the time or times which shall be prescribed by any other law which shall be in force in that behalf.

**Appointment  
of Auditors.**

**XXXI.** And be it Ordained and Enacted, that there shall be appointed for each District two persons to be and be called District Auditors, one of whom shall be appointed by the Warden of the District and the other elected by the Council : Provided always, that no person shall be appointed or elected Auditor who shall be a Member of the Council or the Clerk or Treasurer or Surveyor of the District, nor any person who shall have, directly or indirectly, by himself or his partner, any share or interest in any contract or employment with by or on behalf of such Council : And provided also, that no person ap-

pointed or elected an Auditor for any District shall be capable of acting as such unless he shall have previously made and subscribed before any two of the Councillors for such District (who are hereby authorised to administer the same) an oath in the words or to the effect following, that is to say:—

“ I, A. B., having been appointed [or elected as the case may be] to the office of Auditor for the District Oaths of Auditors.

“ of do hereby promise and swear that

“ I will faithfully perform the duties thereof according to

“ the best of my judgment and ability; and I do hereby

“ solemnly declare and swear that I have not, directly or

“ indirectly, any share or interest whatever in any contract

“ or employment with by or on behalf of the Council

“ of this District. So help me God.”

XXXII. And be it Ordained and Enacted, that every person authorised by law to make an affirmation instead of taking an oath shall make such affirmation in every case in which by this Ordinance an oath is required to be taken; and if any person taking any oath required by this Ordinance, or making any affirmation instead of taking such oath, shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury and shall be punished accordingly.

XXXIII. And be it Ordained and Enacted, that it shall Duties of Auditors.

be the duty of the Auditors in each of the said Districts to examine, settle, and allow all accounts which may be chargeable upon their Districts respectively; and also to examine and audit the accounts of the Township and Parish Officers appointed, or hereafter to be appointed, in pursuance of an Ordinance bearing date the day of in the present year of the Reign of Her Majesty the Queen, and the accounts of all other persons, against their respective Townships and Parishes.

XXXIV. And be it Ordained and Enacted, that it shall be lawful for the Wardens of the District to appoint in each of the said Districts respectively some fit and proper person to be and be called The District Surveyor, whose duty it shall be to superintend the execution of all works undertaken in pursuance of any By-law of the Council of such District; and to take care of all fixed property belonging to the said District; and to examine and report upon all estimates of proposed works; and to enforce the observance of all contracts for the execution of works undertaken for or on behalf of the said District; and to report annually, or oftener if need be, to the said Warden, upon the state of the works in progress, and of the fixed property belonging to such District; and all such annual or other reports, shall be laid by the said Warden before the District Council at the quarterly meeting next after any such report shall have been received, together with an estimate of the probable expense of carrying on such works and managing such fixed property during the then current or next ensuing year: Provided always, that no person shall be appointed to be such Surveyor, unless and until he shall have been examined and declared qualified for the office by the Board of Works for this Province, or by some other competent person or persons to be named for that purpose by the Governor of this Province.

XXXV. And be it Ordained and Enacted, that it shall not be lawful for any person to hold at the same time more than one of the District offices hereby created; nor shall it be lawful for the partner of any such District Officer to hold any District office in the same District wherein such Officer shall be employed; nor shall it be lawful for any such Officer to have, directly or indirectly,

No person to hold more than one District office at a time.

any share or interest whatsoever, either by himself or his partner, in any contract for executing any work to be undertaken by or on behalf of the Council of such District.

**By-Laws.** XXXVI. And be it Ordained and Enacted that it shall be lawful for each of the said Councils to make by-laws for all or any of the following purposes, that is to say :—

- For the making maintaining or improving any new or existing road street or other convenient communication and means of transit within the limits of such District, and for the stopping up altering or diverting of any road street or communication within the limits aforesaid.
- For the erection preservation and repair of new or existing bridges and public buildings.
- For the purchase of such real property, situated within the limits of every such District respectively, as may be required for the use of the incorporated inhabitants thereof.
- For the sale of such part or parts of the real property belonging to such incorporated Inhabitants as may have ceased to be useful to the said Inhabitants.
- For the superintendance and management of all property belonging to the incorporated Inhabitants of every such District respectively.
- For assessing levying and applying such monies as may be required for the purpose of carrying into effect all or any of the objects for which every such District Council is hereby empowered to make by-laws; which monies shall be raised either by means of tolls to be paid in respect of any public work or works within the limits of the said Districts respectively, or by means of rates or assessments to be assessed and levied on real or personal property, or both, within the limits of the District, or, in respect of such property, upon the owners and occupiers thereof, and to enforce the collection and payment of such rates and assessments by means of reasonable penalties.
- For applying the monies so assessed and levied as aforesaid in or towards the payment of all reasonable expenses incurred or estimated as likely to be incurred for the current year in respect of the local Government of such Districts respectively.
- For the collection and accounting for all tolls rates and assessments raised under the authority of any such Council, and of the revenues belonging to such Districts respectively.
- For determining the amount of penalties to be recovered from such persons as having been elected to offices as hereinbefore provided shall refuse to serve the same, or refuse or neglect to take and subscribe the oaths of office as hereinbefore prescribed for such Officers respectively.
- For determining the amount of fees to be paid to and received by the Officers of such Councils respectively in regard to all matters and things for which it is hereinbefore provided that fees shall be paid and received.
- For determining the amount and manner and time of payment of all salaries or other remuneration of District Officers to be appointed under the authority of this Ordinance.

For providing for the maintenance of an effective system of Police within such Districts respectively.

XXXVII. Provided always, and be it Ordained and Enacted, that it shall not be lawful for any such Council to pass any by-law for erecting any public work without having first received an estimate of such work prepared, or examined and reported upon, by the District Surveyor ; and if the cost of such work will, in the opinion of the said Surveyor, exceed the sum of one hundred pounds currency, such estimate shall also be examined and reported upon by the Board of Works in this Province or by some other competent body or person for that purpose to be named by the Governor of this Province ; and provided also, that every such work, to be executed in pursuance of any such by-law, shall be executed under contract, and when the cost of any such work will, in the opinion of the District Surveyor, exceed the sum of one hundred pounds currency, the contract for such work shall be made and entered into in conformity with and subject to such regulations as shall from time to time be made in that behalf by<sup>4</sup> the Board of Works of this Province.

Councils to receive estimates of all Public Works.

Which estimates shall be reported upon by the Board of Works.

XXXVIII. Provided also, and be it Ordained and Enacted, that a copy of every such by-law passed by any of the said Councils shall, within a Governor may disallow By-Laws

after the making of such by-law, be transmitted by the Warden of the District, or other person exercising the office of Warden, to the Governor of this Province ; and it shall be lawful for the said Governor, by and with the advice and consent of the Executive Council of this Province, at any time within three months from and after the receipt of such copy, to disallow any such by-law, and such disallowance shall, with all convenient speed, be signified to the Warden or other person acting in the place of Warden of the District wherein such by-law shall have been passed, and thenceforward such by-law shall be void and of no effect : provided also, that no such by-law shall have effect within the aforesaid period of three months, unless the said Governor shall have given his assent thereto before the expiration of such period ; and provided further, that any by law repugnant to the law of the land, or to any Act of competent Legislative authority in this Province shall be void and of no effect.

XXXIX. And be it Ordained and Enacted, that the said District Councils at their quarterly meetings aforesaid shall have power to make such orders relative to the property belonging to the incorporated Inhabitants of such Districts respectively as to them may appear expedient ; and shall have power to examine, settle and allow all accounts which may be chargeable against the said Districts respectively, and to authorize and direct the raising of such sums of money as may be necessary for paying and discharging such accounts ; and also to examine and audit the accounts of Township and Parish Officers and other persons against their respective Townships and Parishes, and to authorize and direct the raising of such sums of money as may be required for the payment of such accounts ; and also to fix and determine the amount of salary, fees, or emoluments which shall be received by the several Township or Parish Officers within the limits of such Districts respectively to be appointed or elected in pursuance of an Ordinance passed on the day of in the present year, except in so far as the payment of such Officers and the regulations of their salaries, fees and emoluments shall be otherwise provided for by the said Ordinance.

Councils shall have power to audit and settle the accounts of Township and Parish Officers. And to fix the amount of salaries, &c.

Warden to transmit to Governor an annual state of the accounts of the District.

XL. And be it Ordained and Enacted, that the Warden of each of the said Districts shall at the end of each year transmit to the Governor of this Province a statement of the accounts of the District, exhibiting an abstract of the receipts and expenditure during the preceding year; and all such accounts so transmitted shall by the said Governor be laid before the two Houses of the Legislature of the United Province of Canada, as the same shall be hereafter constituted in pursuance of an Act of the Imperial Parliament, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*" at the Session thereof next following the transmission of the said accounts.

Governor may dissolve District Councils.

XLI. And be it Ordained and Enacted, that it shall be lawful for the Governor of this Province for the time being, by Proclamations to be issued by and with the advice and consent of the Executive Council of the Province, when and as often as circumstances shall in his and their opinion warrant such a measure, to dissolve all or any of the aforesaid Councils; and in every case of a dissolution of such Council or Councils the Warden of the District wherein such dissolution shall have taken place shall, within      days after such dissolution issue his Warrant in the name of Her Majesty Her heirs or successors, under his hand and seal, directed to one or more of the Justices of the Peace resident in each of the several Townships or Parishes comprised within the said District, and if in any of the said Townships or Parishes there be no Justice of the Peace resident then to some one or more of the Justices of the Peace resident in an adjoining Township or Parish, requiring him or them to proceed, after due notice in this behalf to the Electors, in causing Elections to be made in each of the Townships and Parishes of the said District of such number of Councillors as the said Townships and Parishes may severally be entitled to return to the Council of the District in which they are respectively situated; and in all cases where such new election of Councillors after a dissolution shall take place as aforesaid, the period at from and after which such Councillors shall vacate their seats, in certain proportions as hereinbefore provided, shall commence upon, and be accounted from the next following such Election.

This Ordinance not to extend to the cities of Quebec and Montreal.

XLII. Provided always, and be it Ordained and Enacted, that nothing in this Ordinance contained shall extend, or be construed to extend, to the Cities of Quebec and Montreal as incorporated by the Ordinance passed on the twenty-fifth day of June in the present year of Her Majesty's Reign; or to the tract of land comprehended within the said Cities respectively as declared by the said Ordinance.

Meaning of terms.

XLIII. And be it Ordained and Enacted, that the words "Governor of this Province," wheresoever they occur in the foregoing Enactments, shall be understood as comprehending the Governor, Lieutenant Governor, or person authorised to execute the office or functions of Governor of this Province.

This Ordinance to be permanent.

XLIV. And be it Ordained and Enacted, that this Ordinance and the provisions herein contained, shall not cease or expire on the first day of November which will be in the year of our Lord one thousand eight hundred and forty-two, but shall be and remain a permanent law, in full force until the same shall be repealed or altered by competent Legislative authority.