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THE
LOWER CANADA
MUNICIPAL ACT

OF

1860.



23 VICT. CAP. 61.

WITH AN INDEX AND SYNOPSIS ;

AND

A SCHEDULE

OF ALL ACTS OR PARTS OF ACTS MAKING SPECIAL PROVISION FOR THE
ERECTION OF OR RELATING TO ANY MUNICIPAL CORPORATION
IN LOWER CANADA.



QUEBEC:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1860.

This Volume is for the use of



IN HIS QUALITY OF

of the Municipality of the
of

so long as he shall hold that office; to be after-
wards passed to his successors in office.

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23 Vict. Cap. 61.

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THE
LOWER CANADA MUNICIPAL ACT
OF 1860.

23 VICT. CAP. LXI.

An Act respecting Municipalities and Roads in Lower Canada.

[Assented to 19th May, 1860.]

WHEREAS it is expedient to consolidate the provisions Preamble.
of the Lower Canada Municipal and Road Act of 1855,
and the Acts amending the same, and certain other provisions
relative to Municipalities in Lower Canada: Therefore, Her
Majesty, by and with the advice and consent of the Legislative
Council and Assembly of Canada, enacts as follows:

DIVISION OF THIS ACT.

This Act is divided into four parts, viz :

Act divided into
four parts:—

The first part relating principally to municipal Corporations, Part first.
their organization, powers and functions ;

The second part relating principally to Roads, Bridges and Part second.
other Public Works, and the manner of making and maintaining
them ;

The third part relating principally to the assessment of Part third.
property, and the mode of collecting assessments ;

The fourth relating principally to penalties, actions, appeals Part fourth.
and comprising various declaratory, temporary and special
provisions.

FIRST

Preliminary Provisions.

FIRST PART.

PRELIMINARY PROVISIONS.

EXTENT OF THIS ACT.

As to Roads and Bridges constructed by the Province.

Act not to apply to certain works until ceded to municipalities.

1. This Act shall not apply to roads or bridges under the control of the Commissioner of Public Works; nor to roads in possession of any individual proprietor or company under any Act or By-law :

But shall apply after such cession.

2. But whenever any road or bridge, theretofore under the control of the Commissioner of Public Works, or of any trustees or other like authority, or of any incorporated company or individual proprietor, ceases to be under such control, such road or bridge shall thereupon be vested in the local municipality or municipalities in which it lies, as a public road, and shall be maintained and dealt with under the provisions of this Act.

As to Localities.

Localities incorporated by special Acts.

2. The provisions of this Act shall not extend to any City, Town or Borough incorporated under any special Act :

Localities specially constituted Municipalities.

2. To the several localities constituted municipalities, or as to which provision is made with respect to municipal matters, by special Acts,—the provisions of this Act shall apply in the manner provided by such Acts respectively.

REPEAL---AND EXCEPTIONS FROM REPEAL.

Repeal of all enactments inconsistent with this Act.

3. So much of the said Lower Canada Municipal and Road Act of 1855, or of any of the Acts amending the same, or of any other Act or Law,—as is inconsistent with this Act,—or makes any provision in any matter provided for by this Act, other than such as is hereby made,—shall be repealed from and after the passing of this Act,—except as to penalties or liabilities incurred, acts or proceedings begun and not completed or rights acquired before the passing of this Act.

CITATION.

How this Act shall be cited.

4. In citing this Act in any Act of parliament, or in any instrument, document or proceeding, it shall be sufficient to use the expression "The Lower Canada Municipal Act of 1860" and in any process for enforcing the remedies or penalties given or imposed by this Act, it shall be sufficient, without

Interpretation—Notices.

- County Councillor. 10. The term "county councillor" means a member of a county council ;
- Local Councillor. 11. The term "local councillor" means a member of a local council ;
- Owner. 12. The term "owner" applies not only to an individual proprietor, but also to several co-proprietors and to any corporation or association of persons in whom the right of ownership in any real or personal property mentioned in this Act is vested ;
- Road. 13. The term "road" means a public highway, and includes all bridges upon it, and all ditches, fords and other works and things therewith connected ;
- Public Bridge. 14. The term "public bridge" means any bridge of more than eight feet in span ;
- Lot. 15. The term "lot" means not only a lot of land in any range or concession in its entirety, but signifies also any subdivision of such lot, and any parcel of land owned or occupied by any one person or by several persons conjointly, and includes all buildings and other improvements thereon ;
- Public notice. 16. The term "public notice" means a notice given, or to be given, to the inhabitants of the whole, or of any part or parts of any municipality or of several municipalities ;
- Special notice. 17. The term "special notice" means a notice given or to be given to any member or officer of any municipal council, or to any other person under this or any other Act relating to municipal purposes, or in pursuance of any by-law passed by any such council, for the purpose of informing him of any appointment or of any other fact, or of requiring him personally to attend, or be present at any particular place, or for any other object ;
- District. 18. The term "district" means a judicial district as established by law, for civil purposes ;
- County. 19. And the term "county" means not only each and every county as defined in the Parliamentary representation Acts, but also every Territory erected into a County for municipal purposes by this or any other Act.

NOTICES UNDER THIS ACT.

Public Notice.

Public notices. 6. Every public notice, under this Act, shall be given in the manner following, that is to say :

Mode in which public notices shall be given. 2. The person required to give such notice shall cause the same to be drawn up, and shall give it, in the English and French

Notices.

French languages, unless the use of either of the said languages be dispensed with in the manner hereinafter provided,* and then in that one of the said languages which should be used ;

3. After signing it, he shall publish it by causing a true copy thereof, certified by him, to be posted up on the front door of at least one church or chapel, or other place of public worship, if any there be,—and, whether there be or not any place of public worship, at some other place of public resort in the local municipality, or in each of the local municipalities, to the inhabitants of which such notice is addressed ; and every Local Council may, from time to time, by by-law, indicate and determine the place where such publication shall be made as such place of public resort ; and the Secretary-Treasurer of the Local Council shall give special notice to the Secretary-Treasurer of the County Council of every such By-law within eight days from the date thereof ;

How they shall be published.

4. If such notice be given within the limits of a parish, the person required to give the same shall cause it to be read at the door of every such church or chapel, at the issue of divine service in the forenoon, if any such service be celebrated, on the Sunday next following the day on which the same was published by posting, as aforesaid ;

If in a parish.

5. If such notice be for the purpose of announcing a public meeting, or the future adoption of any proceeding under this Act, the person required to give it shall specify therein the day, hour and place at which such public meeting is to be held, and the purpose or purposes for which it is convened, or the day, hour and place at which such proceeding is to be had ;

If it be to call a public meeting.

6. And every such notice shall be published by posting a copy thereof, as aforesaid, at least seven clear days before the day appointed for such public meeting or proceeding.

Publication.

Special Notice.

7. Every special notice shall be given in the manner following, that is to say :

Special notice.

2. The person required to give such notice shall cause it to be drawn up in the language of the person to whom it is addressed, if such language be the English or the French, or if it be any other language, then, in either the English or the French language, and after having signed it, shall serve it on the person to whom

Made in which special notices shall be given.

* Vide Sect. 11, page 7.

Notices—Certificate.

whom it is addressed, by causing a true copy thereof to be delivered to him personally, or left with some grown person at his domicile ;

Contents.

3. And in every such special notice, the person required to give the same shall mention distinctly the fact intended to be communicated to the person to whom it is addressed, the time and place at which he is required to attend or be present, or such other object as the notice is given for.

Notice to Absent Owners.

Notice to absent owners who have resident agents.

8. Every owner of land in any local Municipality, residing without its limits who shall appoint an agent residing therein, and shall signify such appointment to the Secretary-Treasurer by a letter in writing addressed to him through the Post Office or otherwise, shall be considered to have received due notice of any work to be done, or duty to be performed by him in respect of such land under the authority of this, or any other Act concerning Municipal matters, whenever special notice thereof be given to such agent :

Public notices
o be sufficient
o those who
have no
resident agents.

2. From and after the first day of January one thousand eight hundred and sixty-one, every such absent owner of land shall be held to have received sufficient notice of any work to be done or duty to be performed by him in relation to any land held by him in any local Municipality whenever public notice thereof has been given, unless and until he shall have appointed a resident agent, and notified the Secretary-Treasurer of such appointment as provided in this section.

Certificate.

Certificate of publication or service.

[Form B or D.]

9. The person required to give any notice, whether it be a public or a special notice, shall cause a certificate or certificates of the publication, or service, of such notice to be annexed to, or endorsed upon, the original notice, stating distinctly the manner in which, and the time or times, and place or places at which the same was so published or served :

Attestation of such certificate.

2. The truth of the facts stated in every such certificate shall be attested on oath by the person making the same ; and the person required to give such notice shall deliver the original notice with such certificate or certificates to the secretary-treasurer of the council to the affairs of which it relates, and the secretary-treasurer shall file the same amongst the records of the council ;

Notices by Secretary-Treasurer.

3. But nothing in this section shall prevent the secretary-treasurer of any council from giving or certifying any notice either

Certificate—Publication of By-Laws.

either public or special ; and whenever any such notice is given by the said officer, the certificate of the publication or service thereof shall be attested under his oath of office, if he has taken such oath, and if not, by a special oath ;

4. And no default, defect or informality of or in any notice, public or special, shall be available to any person who shall have acquiesced in the thing or things required by such notice, or who shall have otherwise acquired a knowledge of the tenor or object thereof.

Informality in notice unavailable.

PUBLICATION OF BY-LAWS.

10. Every municipal council shall publish each by-law made by it, by causing to be posted in the manner hereinbefore prescribed within fifteen days from the passing of such by-law a public notice certified by the Secretary-Treasurer, mentioning the date and object of such By-law, and the place where communication thereof may be had :

Copies to be posted up and how.

2. In parishes, the council shall also publish all by-laws, by causing them to be read in the English and French languages, unless the use of either of the said languages be dispensed with, and then in that one of the said languages which should be used, at the door of the church of the parish to which they relate, immediately after divine service in the forenoon, if such service be celebrated, on each of the two Sundays next after the passing of such by-laws ;

Reading at church doors in parishes.

3. And every such council may also cause all, or any, of such by-laws to be published in any newspaper printed in the district, or in any adjoining district.

In newspapers.

LANGUAGE OF PUBLICATION.

11. The Governor may, by order in council, declare that the publication to be made under this Act of any notice, by-law or resolution, shall be made in one language only, in any municipality the council whereof have shewn that such publication may be so made without detriment to any of the inhabitants thereof ; The Provincial Secretary shall cause a copy of every such order in council to be inserted in *The Canada Gazette*, and from the date of such insertion the publication of all such notices, by-laws and resolutions may be legally made in the municipality referred to in such order in council, in that language only which is thereby prescribed.

Governor in Council may dispense with the use of either language in any place.

Copy of order to be published.

ORGANIZATION.

Organization—Corporate Powers.

ORGANIZATION.

GENERAL ORGANIZATION OF MUNICIPALITIES.

What constitutes a Municipal Corporation.

- 1.** The inhabitants of every county shall be a corporation or body politic under the name of "The corporation of the county of _____" (*inserting the name of the county*):
- 2.** The inhabitants of every parish and township shall be a corporation or body politic, under the name of "The corporation of the parish (or township or townships, or of the part of the parish or Township, (as the case may be) of _____" (*inserting the name of the proper parish or township*);
- 3.** The inhabitants of every town and village, being a body corporate on the first day of July, one thousand eight hundred and fifty-five, or being declared such by this Act, or for the incorporation of which the formalities hereinafter prescribed shall have been observed, shall be a corporation or body politic under the name of the corporation of the town (or village, as the case may be) of _____ (*here insert the name of the town or village*);
- 4.** The Inhabitants of each of the places mentioned in the Schedule No. 1* to this Act annexed shall be, or continue to be, a separate and distinct Municipality, of the class assigned to it in such Schedule and shall be, or continue to be, a body corporate and politic under the name given to it in such Schedule; and its powers and limits shall be extended or limited as prescribed herein, whenever mention of any such extension or limitation is made in such Schedule.

**PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS
GENERALLY.**

Corporate Powers and Name.

- 13.** Every such corporation shall have perpetual succession, and may sue and be sued under its corporate name in all courts of justice; may acquire by purchase, donation, devise or otherwise, any real or personal property, and may hold or enjoy, or alienate the same; may enter into all contracts necessary to or connected with the exercise of its functions, powers and authority; and shall have all other collective rights and powers necessary

* Vide page 104.

Corporate Powers.

necessary for the performance of the duties imposed upon, and for the exercise of the authority vested in it.

How they are to be represented.

1. Every such corporation shall be represented by a council, to be composed as hereinafter provided with special reference to county councils and local councils respectively;—and all the powers, authorities, duties and obligations of every such corporation shall be exercised and performed by such council and its officers :

Corporation to act by a Council.

2. The council of a county municipality shall be called “ The municipal council of the county of *the name of the county* ; ” (*inserting*

Corporate name of Council of counties.

3. The council of a local municipality shall be called “ The municipal council of the parish (*or township or townships, or of the part of the parish or township, or town or village, as the case may be*) of *the name of the parish, township, town or village* ; ” (*inserting the name*

Of parishes, townships, towns or villages.

4. The county council shall be composed of the mayors of the several local municipalities of the county, in which mayors have been elected or appointed ;

Composition of County Councils.

5. Every local council shall be composed of seven councillors, to be elected or appointed in the manner hereinafter provided ;

Of Local Councils.

6. No councillor shall in any case receive, or be entitled to, any wages, allowance, profit or emolument whatever, for his services as such councillor ; nor shall any councillor hold any subordinate office under any municipal council, or become surety for the performance of the duties of any such officer ;

Councillors not to be paid as such ; nor hold office under Council.

7. Each member of a council shall, immediately after his election or appointment, take an oath well and faithfully to perform the duties of his office ;

Oath of office to be taken by Councillors.

[Form N.]

8. Every municipal corporation may have a common seal ; and every instrument or document in writing which should be signed by the chief officer of any such corporation shall be equally valid without his signature, provided the seal of the corporation and the signature of the secretary-treasurer, or other officer or person required to sign the same, be affixed thereto ; but no such instrument or document, made before or after the passing of this Act, shall be considered invalid by reason of the corporate seal of the municipality not having been affixed thereto.

Every municipality may have a common seal.

SESSIONS.

Sessions of Municipal Councils.

SESSIONS.

SESSIONS OF MUNICIPAL COUNCILS.

- Quarterly Ses-
sion of County
Councils.** **15.** Unless it be otherwise provided by any By-law made as hereinafter provided,—a general quarterly session of each county council shall be held on the second Wednesday in each of the months of March, June, September and December, at the place determined upon by the council, except the first general session, the time and place of holding which shall be appointed in the manner hereinafter prescribed :
- Monthly Ses-
sion of Local
Councils.** 2. Unless it be otherwise provided by any By-law made as hereinafter provided,—a general monthly session of each local council shall be held on the first Monday in each month, at the place determined upon by the council, except the first general session, the time and place of holding which shall be appointed in the manner hereinafter prescribed ;
- Holidays.** 3. But if any of the days so fixed be a holiday (*fête d'obligation*), such general session shall commence and be held on the day next following ;
- Special Ses-
sions of any
Council.** 4. A special session of any council may also be convened by the chief officer, or any two members of such council, after special notice, given to all the other members, by the person requiring such session ; And every session, whether general or special, shall commence at the hour of ten in the forenoon, unless otherwise determined by by-law, notice or adjournment ;
- Hour of meet-
ing.**
[Form L.] 4. A special session of any council may also be convened by the chief officer, or any two members of such council, after special notice, given to all the other members, by the person requiring such session ; And every session, whether general or special, shall commence at the hour of ten in the forenoon, unless otherwise determined by by-law, notice or adjournment ;
- Where such
special sessions
shall be held.** 5. And such special sessions, as well as those appointed by law, shall, as far as possible, be held in the vicinity of the parish church, or of the most public and frequented place if there be no such church, and the office of the secretary-treasurer shall be established in the place where such sessions are held ; but the council may, from time to time, appoint the place where the secretary-treasurer shall hold his office ;
- Office of the
Secretary-
Treasurer.** 5. And such special sessions, as well as those appointed by law, shall, as far as possible, be held in the vicinity of the parish church, or of the most public and frequented place if there be no such church, and the office of the secretary-treasurer shall be established in the place where such sessions are held ; but the council may, from time to time, appoint the place where the secretary-treasurer shall hold his office ;
- Who shall pre-
side at meet-
ings.** 6. The chief officer of the council, or in his absence such one of the councillors as shall be chosen by a majority of votes of the councillors present,—or, in case of an equal division of votes, the senior in age of such councillors,—shall preside ;
- Questions, how
decided.** 7. All disputed questions shall be decided by a majority of the votes of the members present, including the chairman ; and when the votes are equally divided, the chairman shall give the casting vote ;

Sessions of Municipal Councils—Chief Officer.

8. The chief officer of every council has, and always had, a right to vote upon all disputed questions which can only be decided by the votes of two thirds of the members of such council ;

As to two third votes.

9. The sessions shall be held with open doors ;

Open doors.

10. Every council, and any two of its members, when there is not a quorum present, may adjourn any general or special session to a subsequent day, but no such adjournment shall be made until after the expiration of one hour from the failure of the quorum ;

Adjournments.

11. No adjournment of the session of a county council shall be made to any time less than seven clear days after the day on which such adjournment is made,—and no adjournment of the session of a local council shall be made to any time less than two clear days after the day on which the adjournment is made, unless, in either case a *quorum* of the council is present when such adjournment is made ;—And special notice of every adjournment shall be given by the Secretary-Treasurer to all the members of the council who were not present at the time it was made, if there was not a *quorum* present at that time ;

Further limitation as to adjournments.

Notice of adjournment.

[Form M.]

12. No council shall be dissolved by the fact of any session thereof not having taken place.

Failure of Sessions not to dissolve Council.

CHIEF OFFICER TO BE A JUSTICE OF THE PEACE.

16. Every chief officer of a municipal council shall be *ex officio* a justice of the peace within the limits of the municipality wherein he has been elected or appointed, so long as he shall continue to act as such chief officer.

Chief Officer to be *ex officio* a Justice of the Peace.

SESSIONS OF COUNTY COUNCILS,—ELECTION OR APPOINTMENT OF WARDEN, &C.

17. The first general session of every county council, in every county Municipality organized after the passing of this Act, shall be held at the time and place to be fixed for that purpose by the Registrar, who shall give notice thereof to each member of the council ;—and every subsequent session, in every such Municipality, as well as every session in every county Municipality now organized, shall be held at the place appointed for that purpose by the county council :

First session, when and where to be held, &c.

Sessions of County and Local Councils.

Quorum of County Councils.

2. Five members of the county council in every county comprising seven or more local Municipalities, and three members of such council in every county comprising any number of local Municipalities less than seven, shall form a *quorum* ;

Who shall preside at first meeting.

3. The registrar, or in his absence, one of the members of the council present to be chosen for that purpose by a majority of votes,—or if the votes be equally divided, the senior in age of the members present,—shall preside at the first general session in every county Municipality organized after the passing of this Act ;

Election of Warden.

4. The members of the county council shall, at the said first session, choose from amongst themselves some fit and proper person, to be the Warden of the county ; and if the votes are equally divided, the person presiding at the said session, whether such person be a member of the council or the Registrar, shall give the casting vote ;—and such person shall cease to have the right to preside, so soon as the Warden so chosen has taken the oath of office ;

Warden to preside when chosen.

5. If no election of a Warden is so made at the said first session of the council, then the Governor, upon the fact being notified to him either by the Registrar, the Warden, the person who presided at the first general session, or the Secretary-Treasurer, shall appoint without delay one of the members of the council to be Warden of the county ;

Governor to appoint Warden if none be elected.

Term of office of Warden.

6. The Warden so elected or appointed shall hold his office until the next general election of councillors, and thereafter until another person is appointed in his stead ; unless such Warden, if elected by the county council, be removed before that time (as he may be) by a resolution sanctioned by a vote of two thirds of the members of the council, or unless such Warden, if appointed by the Governor, be removed (as he may be) by the Governor ; but the Warden shall not be so removed unless the Council appoint another by the same resolution ; If the Warden be removed by the Governor, another shall be appointed by the Governor.

Removal of Warden by Council.

His place, how to be filled.

SESSIONS OF LOCAL COUNCILS, ELECTION OR APPOINTMENT OF MAYOR, &C.

First meeting, &c.

18. The councillors elected or appointed, as hereinafter provided, shall meet at the place, on the day, and at the hour determined upon for holding the first session of the council after their election or appointment ; and shall attend all subsequent sessions of the council at the same place or at such other place as may be appointed for that purpose by the Council :

Vacancies in Local Councils.

2. Four members of the council shall form a *quorum* ; Quorum.
3. On the first day of every such first session of the council, the councillors then present shall elect one of their number to be the Mayor of the local municipality ; and every such officer shall be designated as “ the Mayor of the parish (or township or townships, or of the part of the parish or township, or town or village, as the case may be) of (*inserting the name of the local municipality*) ; and shall remain in office during the time he shall be a member of the Council, and thereafter until his successor is elected or appointed and duly installed ; Election of Mayor.
4. If no election of a Mayor takes place, as aforesaid, on the first day of the said session of the council, then the person who was elected councillor by the greatest number of votes, or the senior in age of any two of such councillors who have been elected by an equal number of votes (such number being greater than the number recorded in favor of any other of such councillors,) shall be the Mayor ;—if any one or more of such councillors have been elected, and the others appointed by the Governor, that one of the persons so elected by the greatest number of votes shall be the Mayor ;—if the councillors have been elected by acclamation, the senior in age of such councillors, as are duly qualified to hold that office, shall be the Mayor ;—and if all the said councillors have been appointed by the Governor, then the councillor first named in the letter making their appointment known, shall be the Mayor ; Who shall be Mayor if no election is made on first day of session.

If all the Councillors are appointed by the Governor.
5. If any such person otherwise entitled under the provisions of this section to be Mayor, does not possess the literary qualification hereinafter required, then the person possessing such qualification, if there be but one of such Councillors, or the senior in age if there be several possessing such qualification, shall be Mayor ; If the person otherwise entitled has not the literary qualification.
6. The secretary-treasurer of the local council shall, immediately after the election or appointment of the Mayor, signify such election or appointment to the Warden of the county, or to the Registrar, if there be no Warden at the time of such election or appointment. Notice of election signified to Warden, &c.
[Form Q.]

VACANCIES IN LOCAL COUNCILS.

19. Whenever any person disqualified or exempt, and claiming exemption, from serving as a councillor, is elected, and whenever any councillor dies, or has been absent from the local municipality, or has been incapable to act as such through infirmity, illness or otherwise, for two calendar months, the remaining Vacancies in the Council, how filled up.

Appointment and Duties of Officers.

remaining councillors shall, at the next meeting of the council after such decease, or after the expiration of the said two months, choose from among the inhabitants of the municipality another councillor, who can read and write, in the stead of the person so disqualified or exempt, or of the councillor so deceased, absent or incapacitated :

Vacancy not to affect acts of other members.

2. But notwithstanding the decease, absence or incapacity to act of any such councillor or his exemption as aforesaid, the remaining councillors shall continue to exercise the same powers, and perform the same duties as they would have been required to exercise or perform, if the decease, absence or incapacity to act of such councillor had not occurred ;

If the person occasioning the vacancy be the Mayor.

3. If the councillor, in whose stead another has been elected as aforesaid, is the Mayor, then the members of the council shall, on the first day of the first session of the council next after the election of his successor to the office of councillor, elect another Mayor, duly qualified ;

Term of office of new Councillor.

4. Every Councillor so elected or appointed in the stead of another shall remain in office for the remainder of the period for which his predecessor had been elected or appointed, and thereafter until his successor shall have been installed, but no longer.

APPOINTMENT OF OFFICERS—THEIR DUTIES, &c.

Secretary-Treasurer.

20. Every council shall, at its first general session, or at a special session held within fifteen days from the first day of such first general session, appoint, if not already appointed, an officer who shall be called the " secretary-treasurer " of the municipal council of the county (or parish or township or townships, or of the part of the parish or township or town, or village, as the case may be,) of inserting the name of the municipality :

Duties of Secretary-Treasurer.

2. The secretary-treasurer of every council shall attend all sessions of the council, and shall enter all the proceedings thereof in a register to be kept for that purpose, and he shall allow persons interested therein to inspect the same at all reasonable hours ;

To have custody of papers, &c.

3. He shall be the custodier of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, *actes de répartition*, plans, maps, records, documents and papers kept or filed in the office of the council ;

Appointment and Duties of Officers.

4. Every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, *acte de répartition*, plan, map, record, document or paper, certified by such secretary-treasurer, shall be deemed authentic ;

Copies certified by him to be authentic.

5. Every person appointed secretary-treasurer to a council, shall, before acting as such, give the security hereinafter mentioned ;

Secretary-Treasurer to give security.

6. He shall furnish two sureties, who shall be approved by a resolution of the council, before they shall be admitted as such ; all such sureties shall be bound jointly and severally with the secretary-treasurer, and their obligation shall extend to the payment of all sums of money for which he may at any time be accountable to the corporation, including principal, interest and costs, as well as for all penalties and damages to which he may become liable in the exercise of his office ;

How such security shall be given.

Two sureties required.

7. Every such security may be given by a bond executed before notaries, or before a notary and two witnesses, and accepted by the chief officer of the council,—or by bond under private signature in duplicate ;—The secretary-treasurer shall deliver a duplicate of such bond, if executed under private signature, or a copy thereof if executed before notaries or before a notary and two witnesses, to the chief officer who shall be the custodian thereof ; and another copy, or the other duplicate, shall be filed by such secretary-treasurer among the records of the council ;

Form of security ; deposit of bond, &c.

[Form O.]

8. Every such security-bond, when duly registered in the registry office for the county or registration division in which the secretary-treasurer resides, shall carry with it a hypothec (*hypothèque*) only on the immoveable property therein designated ; And it shall be the duty of the chief officer of the council to cause it to be registered immediately on receipt thereof ;

Registration of bond and hypothec resulting from it.

Chief Officer to have it registered.

9. The secretary-treasurer of every council shall receive all moneys payable to the municipality ;—and he shall, whenever thereunto authorized by the council, pay out of such moneys all orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the municipality ;—but no such draft or order shall be paid by the said secretary-treasurer, unless the same shews sufficiently the use to be made of the sum mentioned in such order, or the nature of the debt to be paid thereby ;

Duties of Secretary-Treasurer as to receipts and payments.

10. The secretary-treasurer shall keep, in due form, books of account, in which he shall enter each item of receipt and expenditure, according to its date, mentioning at the same time the

Accounts and books.

Duties of Secretary-Treasurer.

the names of the persons who have paid any moneys into his hands, or to whom he has made any payment, respectively ; and he shall keep all vouchers for expenditure ;

Rendering accounts.

11. The secretary-treasurer shall render to the council, on the thirtieth day of June and on the thirty-first day of December in each year, or oftener if required by such council, a detailed account of his receipt and expenditure attested by him on oath ;

Accounts to be open to members of Council.

12. The secretary-treasurer's books of account and vouchers shall be open for inspection at all reasonable hours, to the council, and to each of the members thereof, to the municipal officers by them appointed, and also to all persons liable to assessment in the municipality ;

Mode of compelling Secretary-Treasurer to render accounts and pay, &c.

13. The secretary-treasurer, or any person who has filled that office, may be sued, in the name of the corporation of the municipality, by any person thereunto duly authorized by the council, before any court of competent jurisdiction, to compel him to render an account ; and in any such action he may be condemned to pay damages for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he acknowledges to have in his hands, together with such other sums as he ought to have debited himself with, or as the court thinks he ought to be held accountable for ;—And every judgment pronounced in any such suit, shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ;

Judgment.

Interest.

Contrainte par corps to enforce judgment.

14. Every such judgment shall carry *contrainte par corps* against the secretary-treasurer, according to the laws in force in such cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the account ;

To keep a Repertory of registers, reports, &c.

15. The secretary-treasurer shall keep a Repertory in which he shall refer in a summary manner, and as near as may be in the order of their dates, to all registers, reports, *procès-verbaux*, valuation rolls, collection rolls, judgments, resolutions, maps, plans, returns, notices, letters and papers whatsoever which may come into his possession in the exercise of his functions ;

To deliver certified copies of all documents in his hands.

16. He shall deliver to any person applying for the same a copy of any document in his possession or custody, or of record in his office, upon payment of such fees as shall be fixed by the council ; and every such copy, certified by him as correct, shall be *primâ facie* evidence of the contents thereof ; and he shall allow all such documents to be inspected at reasonable hours by all persons interested therein ;

Appointment and Duties of Officers—Auditors.

17. And every secretary-treasurer of every local Council shall, with all diligence, collect all the *procès-verbaux, actes de répartition* and By-laws in force in the municipality,—shall copy them into a register to be kept by him for that purpose, and to be called the Road Register,—shall certify the correctness of the register,—shall deposit it in his office amongst the records of the council,—and shall give public notice of the deposit of the said register as soon as it shall be made; he shall enter therein all new *procès-verbaux, actes de répartition* and By-laws relating to roads and bridges made after the deposit of such register, and he shall furnish the Inspectors of roads with such copies of, or extracts from, all *procès-verbaux, actes de répartition*, valuation rolls, collection rolls, and other documents in his possession as they may require for the performance of their duties in their respective divisions;
18. Every Council, at its first meeting, after being duly organized, shall appoint one or two Auditors, who shall examine and report annually upon all accounts affecting the Corporation or relating to any matter or thing under its control or within its jurisdiction;
19. Every council may appoint such other officers as are necessary for carrying into effect the provisions of this Act, or of any by-laws or regulations of such council;
20. No appointment of any municipal officer shall be held to be void solely by reason of its having been made after the period hereinbefore fixed for making such appointment; and any act done by any person previous to the appointment of a secretary-treasurer to any council, which might or should have been done by such officer if appointed, shall have the same force and effect as if the same had been done by such secretary-treasurer so duly appointed;
21. Every appointment of an officer by a municipal council shall be made by a resolution of such council; and the secretary-treasurer shall without delay give special notice thereof to the person appointed;
22. Every officer so appointed, except a secretary-treasurer, shall remain in office for a period of two years from the date of his appointment, and thereafter until his successor has been appointed, but no longer, unless re-appointed;
23. Every such council may remove any officer appointed by it, and may also remove any officer appointed by the Governor not being a member of such council, or a Valuator, provided another person be appointed in his

To collect *procès-verbaux, &c.*, in force in his Local Municipality—enter new ones, &c.

Council shall appoint auditors.

Council may appoint other officers.

Appointments valid though made after the time fixed.

Appointments to be by Resolution. Notice.

[Form P.]

Term of office.

Officer may be removed on certain conditions.

County Delegates—Officers of Local Council.

stead by the same resolution proposing to remove such officer, but not otherwise.

APPOINTMENT OF COUNTY DELEGATES BY COUNTY COUNCILS.

There shall be three delegates for each county.

21. In every county there shall be three delegates to represent the interests of the county at every meeting of delegates held under the provisions of this Act, and to exercise and perform, in conjunction with delegates sent from another, or several other counties, as the case may be, the powers and duties hereinafter mentioned :

Warden to be one,—other two how appointed.

2. The Warden shall be *ex officio* one of the said delegates ;—the two other delegates shall be such two members of the county council as shall be appointed for that purpose at the first session held after the general election of local councillors, or at a special session held within fifteen days from the first day of such general session ;—and the said delegates shall hold their office as such during their tenure of office as county councillors, and thereafter until their successors are duly installed, but no longer ;

Term of office.

Vacancies how filled.

3. And whenever any one of such delegates dies, or is absent, or incapacitated to attend to his duties from sickness or any other cause, the county council shall appoint another delegate, or other delegates, in his or their stead.

APPOINTMENT OF CERTAIN OFFICERS BY LOCAL COUNCILS.

Certain other officers to be appointed.

22. In addition to the officers which every municipal council is required to appoint, every local council, at its first general session, or at a special session to be held within fifteen days from the first day of such general session, shall also appoint :

Road Inspectors, fence viewers and pound-keepers.

2. As many inspectors of roads and bridges, inspectors of fences and ditches, and pound keepers, as the council deems expedient ;

3. Every Local Council may appoint any person Inspector over any work towards which such person is bound to contribute, whether residing in or out of the Municipality ;

4. Every local council shall also appoint :

Valuators ; their qualification and oath of office.

5. Three valuator ; each of whom shall be possessed of a property qualification equal to that required of municipal councillors by this Act ; and the appointment of any person not

Appointments by Governor—Powers.

so qualified shall be null and void ; Each valuator shall, immediately after his appointment, take an oath well and faithfully to fulfil the duties of his office ;

6. Every valuator shall remain in office until his successor is installed. Term of office of Valuators.

APPOINTMENTS BY THE GOVERNOR.

23. Whenever fifteen days have elapsed after the time when any chief officer of a municipal council, or any municipal councillor or councillors should have been elected either by the inhabitants of a municipality, or by a municipal council, or when any officer should have been appointed by any municipal council, under any of the provisions of this Act, the chief officer of such municipal council, or in his absence, or upon his default, the secretary-treasurer shall, by letter under his hand, addressed to the provincial secretary, inform the Governor of the fact, and the Governor shall thereupon appoint such councillor or officer ;—And every such appointment shall be made known by a letter under the hand of the provincial secretary addressed to such chief officer or secretary-treasurer, who, upon receipt thereof, shall give special notice of such appointment to the person so appointed :

Governor to be informed by Chief Officer or Registrar of failure to elect or appoint any Councillor or Officer, and to appoint to the vacant office.

Appointment, how made. [Form X.]

2. After the expiration of thirty clear days from the time when such election or appointment should have taken place under any of the provisions of this Act, the chief officer of the council (if there be any such officer) and the secretary-treasurer shall be held to be in default of giving such information, if neither of them has in the interval addressed and transmitted to the provincial secretary the letter required by the last paragraph ;—And in such case the Governor shall make such appointment upon being informed of the vacancy required to be filled up, by any two persons qualified to vote in the municipality ;

How information may be given if Chief Officer or Registrar fail to give it.

Appointment by Governor.

3. The Governor may revoke any appointment by him made. Appointment by Governor may be revoked.

POWERS.

POWERS COMMON TO ALL MUNICIPAL COUNCILS.

24. Every council may make and, from time to time, amend or repeal, a By-law, or By-laws for all, or any, of the following purposes, that is to say :

All municipal Councils may make By-laws concerning— [Forms I & J.]

2. For the maintenance of order and decorum during the sessions of the council, and for compelling the members thereof to attend such sessions and to perform their duties ;

Order, &c., at Sessions.

Powers common to all Municipal Councils.

- Acquiring and disposing of property. 3. For the purchase and acquirement of moveable or immoveable property for the use of the municipality, and for the sale and disposal of the same when no longer required ;
- Constructing or leasing, &c., building. 4. For the construction, acquirement, leasing, or repairing of any building required by the municipality, either for the sessions of the council or for other municipal purposes within the scope of its functions ;
- Construction, &c., of fences, ditches, &c. 5. For the erection, construction, widening, altering or repairing of such fences, ditches, drains or water courses as the interests of the inhabitants require to be so erected, constructed, widened, altered or repaired, at the expense of the municipality ;
- Regulating ferries. Licenses for ferries. 6. For regulating any ferry under its control,—for fixing the tolls to be charged for crossing the same,—for authorizing any officer to grant a license to keep such ferry,—and for fixing the sum to be paid for such license, and the other conditions on which such license shall be granted, and for imposing penalties on any ferryman or other person contravening such By-laws ;
- Limitation as to period of licenses, &c. But no such license shall be granted for more than one year, and no such By-law shall make the tolls payable by any of the inhabitants of any local municipality, or of any part of a local municipality, on any ferry, less than those payable by other persons, or give any undue advantage to any such inhabitants with respect to such tolls ;
- Acquiring roads or bridges from Government. 7. For the acquirement from the government, gratuitously or for consideration, of any public road or public bridge made or erected at the expense of the province, or of the late province of Lower Canada, within the limits of the municipality, or of such portion of any such road or bridge as lies within, or partly within and partly beyond the said limits, with the lands and dependencies required for the use or management of the same ;
- Raising and levying money by rates equally imposed. 8. For raising and levying any sums of money necessary for any purpose within the scope of the functions of such council ; such sums to be raised by rates equally assessed upon all the persons liable thereto, in proportion to the value of their assessable property ;
- Aiding in construction of roads benefiting the municipality, though not in it. 9. For raising and levying moneys in aid of the construction, maintenance or repair of any road leading to the municipality, or of any bridge or other public work beyond the limits of the municipality, whereby the inhabitants thereof may, in the opinion of the council, be sufficiently benefited to warrant the granting of such aid ;

Powers common to all Municipal Councils.

10. For borrowing any sum of money necessary for any of the purposes within the scope of the functions of the council,—or for giving assistance to the construction of any railroad under the provisions of “*The Railway Act*,”—or for taking stock in, or lending money to any incorporated railway, road or bridge company in whose railway, road or bridge the inhabitants of the municipality are, in the opinion of the council thereof, sufficiently interested to warrant them in taking such stock or lending such money for the advancement of such work ; (the principal and interest of such sum payable either in this province or elsewhere, and either in the currency of this province or of the country where the same may be payable);—or for issuing debentures or bonds for any of the purposes mentioned in this section, every such debenture or bond being issued for a sum not less than one hundred dollars, and being payable in not less than five and not more than thirty years;—or for the management of any sinking fund provided by any such By-law ;
- Borrowing money and issuing bonds and debentures, &c., for assisting in construction of Railways.
[Form L. L.]
Managing Sinking Fund.
11. But no By-law made under this section shall have any force or effect—unless it be made for a sum not exceeding twenty per cent on the aggregate valuation of the property thereby affected according to the valuation rolls then existing,—nor unless it imposes a yearly rate sufficient, according to such valuation rolls, to pay the interest on the sum to be borrowed, and two per cent. over as a sinking fund ;—nor unless it has been approved in the manner hereinafter provided ;
- Total amount limited.
Rate for interest and Sinking Fund.
12. Every such By-law must be approved in the manner provided by the Act intituled : *An Act respecting the Consolidated Municipal Loan Fund*, and all the provisions of the said Act shall apply to every such By-law, except in so far as they may be inconsistent with any of the provisions contained in this section ;
- By-laws must be approved under Con. Stat. of Canada, cap. 83.
13. No such By-law shall be repealed, or altered, until the whole sum borrowed and the interest thereon have been paid off, except by some other By-law approved by the Governor in council, the repeal or alteration of which shall be subject to the like conditions ;
- By-law not to be repealed, except, &c.
14. Whenever any such By-law is passed by a county council, the principal and interest of the loan shall be payable by all the local municipalities in the county ;—And the secretary-treasurer of the county council shall in each year apportion the amount to be paid by each such local municipality according to the assessment rolls then in force in each respectively ;
- Money borrowed by a county for Railway purposes as aforesaid, to be paid by local municipalities within it.
15. But nothing contained in the foregoing provisions of this section shall in any way relate to or affect any By-laws heretofore
- Nothing in above provisions of this

Powers common to all Municipal Councils.

- section to affect By-laws made under 16 V. c. 22, and 18 V. c. 13. heretofore made under the authority of the Act passed in the sixteenth year of Her Majesty's reign, chapter twenty-two, as amended by the Act passed in the eighteenth year of Her Majesty's reign, chapter thirteen, respecting the said Consolidated Municipal Loan Fund ;
- Building a Town Hall. 16. The building of a town hall by a local or county municipality shall be one of the purposes for which the municipal loan Fund for Lower Canada may be applied, and the benefit thereof obtained ;
- Depositing money. 17. For depositing the funds of the municipality or investing the same at interest, in any chartered bank or public security of the province ;
- Paying damages done by rioters. 18. For indemnifying persons who have lost buildings or other property destroyed either wholly or in part by rioters within the municipality ;
- Paying officers. 19. For the remuneration of the officers of the corporation in addition to any fees, penalties, or per centage, which they may be entitled to under the authority of this Act or of any other law ;
- Defining duties of officers and enforcing performance thereof. 20. For defining the duties of all the officers appointed by the council or by the Governor, and imposing penalties upon the said officers for neglect of duty in cases in which such duties have not been sufficiently defined, or such penalties have not been determined by law ;—But no such fine or penalties shall in any case exceed the sum of twenty dollars for any one offence ;
- Taking securities from officers, contractors, &c. 21. For requiring sufficient security in such manner and to such amount as the council thinks proper, from all persons accountable for the moneys of the municipality, and from all contractors with the council or its officers, whenever such security has not been specially regulated by law ;
- Imposing and collecting penalties. 22. For imposing and collecting, by seizure and sale of the goods and chattels of the offender, any reasonable penalty not exceeding in any case twenty dollars, and for imposing reasonable punishment by imprisonment, not exceeding thirty days, for the breach of any of the by-laws or regulations of the Council ;
- Imposing imprisonment. Poor. 23. For making such other local regulations, not contrary to law, as the good of the inhabitants of the municipality requires ;
- Other local regulations. 24.

Special Powers of County Councils.

24. For limiting the number of its general sessions to not less than one in each year for a county council, and to not less than four in each year for a local council ;

Number of general sessions.

25. For obliging any person who has in his possession any maps, plans, titles, writings or other documents relative to any road, street, lane, public place or other property in the municipality, to give communication thereof to the said council, or to any of its officers, and to permit such officer, or other person appointed for that purpose by the principal officer of the municipality, to take a copy thereof ;

Maps and documents in the possession of individuals relating to public property.

26. For the maintenance or assistance of the infirm, aged, poor destitute ;

Poor.

27. Every council may, by By-law, impose and levy upon the parties interested in any work undertaken either before or after the passing of this Act, for the benefit of the municipality, or of any part of the inhabitants of the municipality, a special tax to provide for the payment of such work, although the performance thereof has not been preceded or followed by the formalities required by law.

Special tax on parties interested in any public works.

SPECIAL POWERS OF COUNTY COUNCILS.

25. All the powers vested by the Act passed in the twelfth year of Her Majesty's reign, chaptered fifty-six, and intituled : *An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature*, in the municipalities and municipal councils therein mentioned, are transferred to and vested in the county councils constituted under this Act.

County Councils to have certain powers under 12 V. c. 56.

26. Every county council may make, and from time to time may amend or repeal, a By-law or By-laws for all or any of the following purposes, that is to say :

They may make by-laws concerning—

[Form 1.]

2. For appointing the place at which all sessions of the county council, after the first session, shall be held ;—and every place so appointed shall thereafter be the county town (*chef-lieu du comté*) ; But if the first session of such council was held at a place which at the time of the passing of The Lower Canada Municipal and Road Act, 1855, was the place of holding the meeting of the municipal council of a county or division of a county, the concurrence of two-thirds of the members for the time being of such council shall be necessary for the making of a By-law appointing any other place for holding the subsequent sessions of such council ;

Place of sitting.

If the first meeting was held at a place where a County Council met at the time of the passing of 18 V. c. 100.

Special Powers of County Councils.

- Place of sitting of any County Council to be permanent when a Registry Office is built at it.
3. And whenever a registry office has been established, or a public edifice for the use of the county council has been provided, or is in course of construction, at a place appointed by By-law under the said Act for the sittings of such council, such sittings shall continue to be held at the place so appointed, until otherwise determined by the legislature ;
- Construction, &c., of a Court House and Gaol.
4. For the acquirement or construction and maintenance of a court house and lock-up house in the place lawfully appointed for that purpose, and for providing means in aid of the acquirement, construction or maintenance of any such buildings ;
- Maintenance of an officer for registration of deeds, &c.
5. For the acquirement or construction and maintenance of an office for the registration of deeds, either apart from or forming part of any court house situate within the county, and for the construction and maintenance therein of a fire-proof vault for the preservation of such deeds ; and for providing means for the acquirement or construction and maintenance of such office, and also for the transcription of any deeds which the council deems it expedient to transfer and deposit in such office, for the convenience of the inhabitants of the county ;
- Placing mile-posts and guide-posts.
6. For causing mile-posts or mile-stones to be set up on the main road in the county, shewing the distance from the principal towns to which such roads lead, and they may cause guide-posts to be set up at the intersections of roads ; and the expenses incurred for those purposes shall be paid by the secretary-treasurer of the local municipalities respectively, in which such mile-stones or mile-posts, or guide-posts shall be set up, out of any moneys in the hands of the secretary-treasurer applicable to road purposes or to the general purposes of the municipality ;
- Turnpikes.
7. For placing toll-bars, and for levying tolls on persons, animals and vehicles passing over any roads or bridges within the limits of the county and under their control ; But it shall not be lawful, by any such By-law, to make the tolls payable by any of the inhabitants of any local municipality or of any part of a local municipality, less than those payable by other persons for the use of the road or bridge therein mentioned, or to give any undue advantage to any such inhabitants with respect to such tolls ;
- Limitation. Tolls to be equal in all.
8. For determining the periods of the year during which fire may be applied to logs, brush and other wood for the purpose of clearing land within the limits of the county, and for compelling persons so applying fire to adopt such precautions as may be deemed requisite to prevent such fire from extending to adjoining forests, crops and other property ;
- Fire in the Woods, &c.

Special Powers of County Councils.

9. For regulating the fees to be paid for the services rendered by the special superintendent or by the secretary-treasurer, either in making reports, *procès-verbaux* or *actes de répartition*, or in furnishing copies of documents at the request of any person or number of persons, whenever the county council, or any local council within the county, deems it just that such fees should not be made a charge upon any municipality in the county, but should be paid by the person or persons requiring such services ;

Regulating fees to special Superintendent or Secretary-Treasurer.

Sale of Spirituous Liquors.

10. Every county council shall also have power to make, in the month of March of every year, By-laws for the following objects :

County Councils may make By-laws concerning—

11. 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 ;

Sale of intoxicating liquors.

12. For determining under what restrictions and conditions, and in what manner the revenue inspector of the district shall grant licenses to shop keepers, tavern keepers, or others, to sell such liquors ;

Restriction as to Licenses to sell the same.

13. 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 ;

Sum payable for license.

14. 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 ;

Governing persons so licensed.

15. And no revenue inspector shall grant any license for the sale of any such liquors aforesaid, in any Municipality where such sale has been prohibited by By-law, nor in any Municipality where a By-law determining the restrictions and conditions under which such licenses 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 revenue inspector ;

Licenses not to be granted for places where sale of intoxicating liquors is prohibited.

Proviso.

Revision.

16. Every county council may revise, amend or annul all by-laws, reports, *procès-verbaux* or *actes de répartition*, made, passed, approved or homologated by any local council within the county,---except those made by town or village councils,--- whenever

Power to revise and amend or annul By-laws, &c. of Local Councils.

Powers common to all Local Councils.

Exception. whenever the same are appealed from in the manner hereinafter provided ;

Assessment-Rolls. 17. Every county council may, at any time, revise or amend the assessment-rolls of the several local municipalities in the county.

POWERS COMMON TO ALL LOCAL COUNCILS.

Local Councils may make By-laws concerning— **27.** The powers of each local council (in addition to the powers hereinbefore conferred upon all municipal councils) shall extend to the following objects :

Opening, making and repairing roads, bridges, &c. 2. To the opening, constructing, making, levelling, pitching, raising, planting, improving, preserving and maintaining of any new or existing highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other communication within the municipality, and to the planting of trees along such highway or communication ; the stopping up, pulling down, widening, altering, changing, diverting or cleaning of any such highway, road, street, side-walk, crossing, alley, lane, bridge, ford or other public communication within such municipality, in conformity with the provisions of this Act relative to all such matters ; the taking possession of any land or real property required for any such purposes, and the making provision for the indemnity to be paid to the owners of such land or real property ;—But no local Council shall stop up any road leading into or from any other municipality unless the By-law be approved by the County Council ;

Proviso : as to roads leading to another Municipality.

Macadamizing planking or gravelling roads. 3. To the macadamizing, gravelling or planking of any road or part of a road upon the petition of Proprietors holding at least two thirds of the lands fronting upon such road, or part of a road ;

Opening and adorning public squares, &c. 4. To the opening, enclosing and maintaining, at the expense of the municipality, such squares, parks or public places, as may be conducive to the health or convenience of the inhabitants ;—to ornamenting the same by planting trees therein or otherwise, and causing trees to be planted along any side-walk or footpath, at the expense of the municipality ;

Prevention of abuses prejudicial to agriculture. Pounds, &c. Animals running at large. Fees to Pound Keepers. 5. To the prevention or removal of abuses prejudicial to agriculture and not specially provided for by law ;—the establishment of public pounds for the safe keeping of animals and poultry, found astray or doing damage on the public roads or bridges, or on the lands of others than the owners of such animals or poultry ;—the fees to be taken by the keepers of such pounds ;—the damages payable by the owners of such impounded

Powers common to all Local Councils.

- impounded animals or poultry;—the manner in which such animals or poultry shall be sold, in the event of their not being claimed within a reasonable time, or in case the damages, penalties and expenses shall not have been paid according to law, or to any By-laws made for the said purpose ; Damages by animals.
6. To the making of regulations as to pits, precipices and deep waters, or other places dangerous to travellers ; Pits and precipices.
7. To the imposition of a tax on the owners or harbourers of dogs; the making of regulations, whenever the public peace and safety may require it, to keep dogs tied up and to prohibit them being at large, and for killing all dogs found at large contrary to such regulations ; Dogs and tax on dogs.
8. To the regulation of the manner in which any theatrical performance or other public exhibition shall be held, and the imposition of a tax, not exceeding twenty dollars, upon every such performance or exhibition,—which tax, if not paid on demand, may be levied out of the goods and chattels of all or any of the persons connected with such performance or exhibition, under a warrant of distress signed by the mayor of the municipality ;—and to the prohibition of any such performance or exhibition tending to endanger public safety or morality ; Public Exhibitions.
Levying tax on them.
[Form W.]
9. To the regulation of the weight of bread, sold or offered for sale within the municipality, and to compel bakers to mark, with the initials of their respective names, the bread made by them, and to confiscate bread of insufficient weight or unwholesome quality ; Weight of bread.
10. To the making or procuring of maps, plans or surveys of the municipality, whenever the council deems it expedient to make or procure the same ;—but no such map or plan shall be procured at the expense of the municipality, unless it be drawn by a provincial surveyor upon a scale of at least four inches to the mile ; Maps, plans and surveys of the municipality.
11. To the dividing of the municipality into inspectors' divisions ; Dividing the municipality for road purposes.
12. To the making of the annual examination and revision of the assessment-roll ; Revision of assessment-roll.
13. Every local council shall accept from the school commissioners of any school municipality, situate within the limits of the local municipality, the collection roll for school rates, or a certified copy thereof, and shall, by resolution, declare that the collection of the rates shall be made at the same time and in the

Powers common to all Local Councils.

the same manner as that of the municipal assessments ;—and any secretary-treasurer, charged with the collection of such rates, shall hand over the entire amount, so soon as he shall have collected them, to the secretary-treasurer for schools entitled to receive the same ;

Preventing fast driving—and gambling.

14. Every local council may make By-laws to prevent parties from driving or riding faster than an ordinary trot, in the streets, or public places comprised within a radius of one mile from the principal church in the local municipality ;—and for preventing gambling and the keeping of gambling houses in the municipality ;

Procuring and using a snow plough, roller and scraper.

15. Every local council may, under the authority of a resolution, direct any inspector of roads to procure a snow plough, a roller and an iron or steel shod scraper, or either, to be used on the roads in his division, and to be carefully kept by such inspector, and by him handed over to his successor in office for the like purposes ;—and when the same are so procured, the inspector shall use and work such snow plough, roller or scraper at the expense of the municipality, and shall require the persons bound to perform road work in his section to use and work such snow plough, roller or scraper (when necessary,) as part of the work they are so bound to perform ;—And the cost of such snow ploughs, rollers and scrapers, and of using and working the same, (when so used and worked at the expense of the municipality) and of all necessary repairs thereto, shall be paid by the secretary-treasurer of the municipality ;

How to be paid for.

Sale of Spirituous Liquors---Licenses to traders and others.

Local Council may prohibit the sale of intoxicating liquors in certain cases.

16. Every local council may make By-laws to prevent or prohibit the sale of all spirituous, vinous, alcoholic and intoxicating liquors, in any year when the county council has failed in the month of March to regulate by By-law such sale ;

Licenses to pedlars, &c.

17. Every local council may from time to time make, alter or repeal By-laws for the granting of licenses to pedlars and other travelling traders and artists, carters and common carriers, and for preventing them from carrying on their traffic or practising their art or calling without being licensed thereto ;

Local Councils may oblige all traders to take and pay for a license.

18. Every local council may compel all traders, whether wholesale or retail, other than tavern-keepers and persons who sell only intoxicating liquors, to take out and to pay such council for a license to keep a shop or store, and may regulate the amount to be paid for such license ; but such amount shall not exceed twenty dollars.

Special Powers of Town and Village Councils.

SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.

- 28.** In addition to the powers hereinbefore conferred upon all local councils, the municipal council of every town and village municipality may make By-laws for all or any of the following purposes, that is to say :
- 1.** For establishing markets or market places ;—for abolishing any market or market place within any such municipality, or for appropriating the whole or any part of the site of any market or market place for any other public use whatsoever ; reserving nevertheless to any person aggrieved by any act of such council respecting any such market or market place, any recourse which he lawfully has against the municipality for any damage suffered by him by reason of such act ;
- 2.** For regulating and defining the duties and powers of the clerks of the markets within the municipality, and of all other officers employed on the said markets ; and for leasing stalls and stands for the sale, and offering for sale, of every description of articles or goods whatsoever upon the said markets ;—and for imposing duties or taxes on all persons vending upon such markets any provisions, vegetables, butchers' meat, grain, fowls, hay, straw, coal, salt, cord-wood, shingles, or any thing else whatsoever ;—for prohibiting the sale, or exposure for sale, by any person not resident within the municipality, of any such provisions or other thing elsewhere than upon such markets and in such other places as may be appointed for that purpose by any such By-law ;—and for regulating the conduct of all persons vending or purchasing upon the said markets ;
- 3.** For imposing duties upon wagons, carts, sleighs, boats, canoes and vehicles of all descriptions, in which articles are exposed for sale upon any such market, or in any street or upon any beach within the municipality, and for regulating the manner in which such vehicles shall be placed when used for any such purpose ;
- 4.** For regulating the measuring of cord-wood, lumber, and shingles, brought within the municipality for sale ;—for regulating and determining whether any other articles purchased or sold within the municipality shall be weighed or measured, or both ;—and for appointing persons to weigh and measure any or all such things, and for fixing and determining the remuneration to be paid to such officers and the duties to be performed by them ;
- 5.** For assessing the proprietors of real property for such sums as are at any time necessary to defray the expenses of making

Town and village Councils may make By-laws concerning—

Markets.

Proviso.

Appointment, &c., of Clerks of markets, and other market officers, stalls, duties, sales of certain articles, &c.

Duties on vehicles in which articles are brought to market.

Weighing and measuring certain articles.

Fees.

Assessing for making sewers.

Special Powers of Town and Village Councils.

making or repairing any common sewer under any public street or road within the municipality, and for regulating the manner in which such assessments shall be collected and paid ;

Fencing real property.

7. For obliging the proprietors of real property situate within the limits of the municipality to fence in and enclose such real property ;

Removing encroachments on streets, &c.

8. For directing and requiring, at any time, the removal of any door-steps, stairs, porches, railing or other projections into, or obstructions in, any public street or road within the municipality, by and at the expense of the proprietors of the real property in or connected with which such projection or obstruction is found ;

Altering level of side-paths, &c.

9. For establishing or altering the level of the foot-paths or side-walks in any street or road within the municipality, in such manner as the council shall deem conducive to the convenience, safety and interest of the inhabitants ; provided

Compensation in certain cases.

always, that the council may make compensation out of the funds of the municipality, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof ;

Pulling down decayed buildings.

10. For pulling down and removing, when deemed necessary, all old walls, chimnies or buildings in a state of dilapidation or decay ; and for fixing at what time, by what means, and at whose expense, the same shall be so pulled down and removed ;

Preventing accidents by fire, and making arrangements for extinguishing fires.

11. For preventing accidents from fires,—and for regulating the conduct of persons present at any fire within the municipality ;—and (among other By-laws for the same purpose) for regulating the mode of placing stoves or stove-pipes, flues, furnaces or ovens, or the mode of keeping ashes ;—for obliging proprietors or occupiers of houses to provide themselves with proper fire-buckets, and to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies ;—for preventing any person from entering any stable, barn, shed or out-house, with a light not enclosed in a lantern, or from entering any such building with a lighted cigar or pipe, or from carrying into the same any fire not properly secured ;—for preventing any person from lighting or having any fire in any wooden shed or out-house or other wooden building, unless such fire be placed in a chimney or in a stove of iron or metal, or from carrying fire in or through any street or public place, garden or yard, unless such fire be confined in some metal vessel ;—and for compelling the proprietors or occupants of barns, lofts or other buildings containing combustible

Special Powers of Town and Village Councils.

combustible or inflammable materials, to keep the doors thereof closed when not necessarily required to be open ;

12. For preventing any baker, potter, blacksmith, brewer, manufacturer of pot ashes or pearl ashes, or other manufacturer or person, from building, making or having any oven or furnace, unless such oven or furnace communicates with, and opens into, a chimney of stone or brick, rising at least three feet higher than the top of the house or building in which, or in connexion with which, such oven or furnace is placed ;

Obliging certain tradesmen to construct furnaces in a certain manner.

13. For providing that gunpowder be safely kept in boxes of copper, tin or lead ; for regulating the quantity which may be kept in each house or building not being a powder magazine, and for prohibiting the sale thereof after sun-set ;

Keeping and sale of gunpowder.

14. For preventing the erection of furnaces for making charcoal, and for regulating the manner in which quick lime may be kept or deposited ;

Furnaces for lime and charcoal.

15. For preventing persons from throwing up fire works, firing off crackers (*pétards*), discharging fire-arms, or lighting fire in the open air, in any of the streets or roads, or in the neighborhood of any buildings, groves, hedges or fences within the municipality ;

Discharging fire-works.

16. For defraying, out of the funds of the municipality, all such expenses as the council deems just to incur, for the purchase of engines, or any other kind of apparatus, or any article whatsoever necessary for the prevention of accidents by fire, and for facilitating the means of arresting the progress of fires ;

Purchasing fire-engines, &c.

17. For preventing thefts and depredations at fires, and for punishing any person who resists, opposes or ill-treats any member or officer of the council while in the execution of the duty assigned to him, or in the exercise of any power or authority with which he is invested in virtue of any By-law made under the authority of this section ;

Preventing thefts, &c., at fires.

18. For defraying, out of the funds of the municipality, any expense incurred by the council for assisting any person employed by such council, who has received any wound or contracted any sickness or disease while attending at any fire, or for assisting or for providing for the wants of the family of any person who has lost his life at any fire while so employed ;— and for granting rewards in money, medals or otherwise, to persons who have performed any meritorious action at any fire, or in saving persons from drowning or from other serious accidents ;

Compensating persons wounded or performing services at fires, or the families of persons killed.

Special Powers of Town and Village Councils.

19. For investing the members of the council and such officers as shall be designated in such By-laws, with the power to cause to be blown up, pulled down, or otherwise destroyed, any building or fence which any such member, or any such officer, deems it necessary to direct to be pulled down or destroyed for the purpose of arresting the progress of any fire,—and for providing and paying an indemnity, when justly due, to the owners of any building or fence so blown up, pulled down or destroyed, or to any person sustaining any damage or injury from any such act ;
20. For regulating the conduct of apprentices, servants, labourers and hired persons and the conduct of masters and mistresses towards their said apprentices, servants, labourers or hired persons, in the municipality ;
21. For establishing a board or boards of health in the municipality, and for appointing the members of such board or boards,—and for securing the inhabitants of the municipality from contagious and pestilential diseases, or diminishing the danger resulting from the existence of such diseases ;
22. For compelling the proprietors or occupants of houses to clean all stables, outhouses, privies and yards connected therewith, at such times and in such manner as the council deems expedient ;
23. For preventing the throwing, into any public street or road, of any sweepings, filth, dirt, rubbish or ordure, and for enforcing the removal thereof ; and for preventing and removing all encroachments and nuisances in or upon any street or road ;
24. For authorizing such officers as may be appointed by the council for that purpose, to visit and examine at suitable times and hours to be fixed in and by such By-laws, as well the inside as the outside of all houses, buildings and real property of any description in the municipality, for the purpose of ascertaining whether the By-laws, to be made as aforesaid, have been duly observed,—and for obliging all proprietors, possessors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and hours, and for the purposes aforesaid ;
25. For providing, within the municipality, if there be no district gaol therein, a lock-up-house or other place for the safe keeping of persons sentenced to any term of imprisonment not exceeding thirty days under any of the provisions of this Act, or of the Ordinance hereinafter mentioned ;

Extension of Police Ordinance.

26. For the establishment, construction and maintenance of water works, for the purpose of providing wholesome water for the inhabitants of the municipality ;—for taking possession of any lands necessary for the purposes of such water works, or for the passage of the canals through which the water is to flow, whether such land be situate within or without the limits of the municipality, and whether or not the proprietors consent to such taking possession ;—and for imposing and raising by tax whatever amount the council deems requisite to ensure the construction and maintenance of such water works ;—But the amount of any indemnification for expropriation and for any damages caused by the construction or maintenance of any such water works, shall be determined in the manner provided for similar cases by this Act ;

Providing for construction of Water Works, —and taking land for such purpose, and imposing taxes.

Indemnity to be paid.

27. For levying assessments from persons residing or holding assessable property outside of the limits of the Municipality or for requiring from any such person the performance of labor, towards the construction or maintenance of any bridge within the limits of such Town or Village, in accordance with any *procès-verbal* or By-law, relative to the construction and maintenance of any such bridge or bridges, in force before the first day of July, one thousand eight hundred and fifty-five, or before the incorporation of such town or village.

Levying assessments from persons outside the Municipality for certain bridges.

PROVISIONS OF THE QUEBEC AND MONTREAL POLICE ORDINANCE,
RELATING TO DISORDERLY PERSONS EXTENDED TO TOWN
AND VILLAGE MUNICIPALITIES.

29. The eighth, ninth, tenth and eleventh sections of the Police Ordinance of the legislature of Lower Canada, passed in the second year of Her Majesty's reign, intituled : *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, as amended by an Act passed in the seventh year of Her Majesty's reign, intituled : *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada of the second year of Her Majesty's reign, intituled : 'An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal,'* and by an Act passed in the ninth year of Her Majesty's reign, intituled : *An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, does and shall extend to and have force of law in every town and village municipality erected or existing under the provisions of this Act, of which the said sections shall be held to form part ; And in every case where, under any of the provisions contained in the said

Part of Police Ordinance of Lower Canada extended to towns and villages.

To what place offenders may be committed.

Abolition of Office of County Superintendent.

section of the said Ordinance so as aforesaid amended, a justice of the peace may commit any person brought before him, in either of the cities mentioned in the said ordinance, to the common gaol or house of correction, any justice of the peace may commit any person brought before him in any such municipality to imprisonment for any term not exceeding thirty days, either in the common gaol of the district, or in any lock-up-house or other place provided by the municipal council for that purpose.

**PROVISIONS CONSEQUENT ON THE ABOLITION OF THE OFFICE
OF COUNTY SUPERINTENDENT.**

Office of County Superintendent.

30. The office of County Superintendent having been abolished by the Lower Canada Municipal Road Amendment Act of 1857 :

Powers of County Superintendent, how exercised hereafter.

2. All the powers and privileges, theretofore conferred upon the county superintendent, shall be exercised in the manner following :

In respect of any county works, by the county council ;

In respect of any local works, by the local council ;

Work in which several Counties are interested.

In respect of any work in which several counties are interested, by the Warden of the counties in which the work was originally proposed, and the said Warden shall summon a meeting of delegates ;

Appointment of special Superintendent.

3. Every council may, by resolution, appoint a Special Superintendent to prepare any *procès-verbal*, or perform any other duty devolving upon the council in respect of any such work, and every person so appointed shall be bound to fulfil all formalities required with regard to the matters entrusted to him, and subject to the same penalties as other municipal officers for any neglect of duty ;

Secretary-Treasurer may be appointed.

4. The secretary-treasurer may be appointed as such Special Superintendent, and may discharge the duties of both offices ;

Petitions relative to works, how dealt with.

5. Every petition relative to any such work in which one or more counties are interested shall be addressed to the county council of the county in which the work was originally proposed ; every petition relative to more than one municipality in the same county shall be presented to the county council,— and every petition relative to any local work, shall be addressed to the local council ; and the petition shall be handed in to the secretary-treasurer of the council to which it is addressed, who

Persons disqualified or exempt from accepting Office.

who shall present it forthwith to the council, if it is then sitting, or if it is not sitting, then at the next ensuing session.

**PERSONS DISQUALIFIED OR EXEMPT FROM ACCEPTING OFFICE
AS MEMBERS OR OFFICERS OF MUNICIPAL COUNCILS.**

31. No person in holy orders, or a minister of any religious denomination, nor any member of the executive council, nor any judge of the court of Queen's bench, the superior court, or the court of vice-admiralty,—nor any sheriff,—nor any officer of Her Majesty's army or navy on full pay,—nor any tavern keeper shall be elected or appointed as a municipal councillor, nor appointed to any office under any municipal council :

Persons disqualified as members.

2. No person shall be elected or appointed, or qualified to act as mayor of any municipality, unless at the time of such election, or appointment, he can read and write ;

Mayor must read and write.

3. No person receiving any pecuniary allowance from the municipality 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 municipality, shall be qualified to be elected or appointed or to act as a councillor of such municipality ;

Contractors with the Council.

4. Provided, firstly, that no person shall be disqualified from acting as municipal councillor, by reason of his being a proprietor or shareholder in any incorporated company which has any contract or agreement with any municipal council as aforesaid ; And, secondly, that the word "contract" in this section, shall not extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any contract for such lease, sale or purchase, or for the loan of money, or to any agreement for the loan of money only,—but any municipal councillor having any interest in any matter in this second proviso mentioned, shall not vote at any meeting of the municipal council, or of any committee thereof, of which he is such councillor as aforesaid, upon any question arising upon the matter in which he is so interested as aforesaid ;

What shall be deemed a contract.

5. No member of the provincial legislature,—no person holding any civil appointment under the imperial or provincial government, or under either house of the legislature,—no practising physician, surgeon or apothecary,—no schoolmaster actually engaged in teaching,—no branch pilot,—no miller, being the only one employed in a mill,—no person over sixty years of age,—nor the clerk of any commissioners' court,—shall be bound to accept the office of municipal councillor or any office under any municipal council ;

Persons exempted from serving except by their own consent.

6.

Qualification of Voters—Election of Councillors.

Advocates or Notaries. 6. No advocate or notary shall be bound to accept any office under a municipal council;

Persons having already served. 7. And any person having been, within the two years next preceding, a member of a municipal council, or an officer under any such council, and any person who has paid a penalty for refusal or neglect to accept of any such office, shall be exempt from serving in the same office during the two years next after such service or payment.

QUALIFICATION OF VOTERS.

Qualification of voters at municipal elections: 32. The persons hereinafter mentioned and none other shall be entitled to vote at any election of members of any local council, that is to say :

Age. 2. Every person of the male sex, of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, who, at the time of giving his vote at such election, is possessed, as proprietor, either in his own right or in the right of his wife, and for his own proper use and benefit, or for the use and benefit of his wife, of a real estate in the local municipality in which the election is held, in *fief*, in *censtive*, in *franc-alleu*, or in free and common soccage, of the yearly value of at least eight dollars, or who holds, as a tenant or lessee, in such local municipality, an estate of the yearly value of at least twenty dollars, and who (in either case) has resided in such local municipality during at least the year next preceding the day of the opening of such election, and has paid all rates or local taxes due by him at any time before the election, whether the same were imposed for municipal or educational purposes.

British subject.

Property.

Residence.

Not being in arrear for taxes.

ELECTION OF COUNCILLORS.

Meeting of qualified electors every second year. 33. A public meeting of the inhabitants qualified to vote shall be held in each local municipality on the second Monday in January, one thousand eight hundred and sixty, at the hours of ten in the forenoon, and on the same day and at the same hour in every second year thereafter, for the general election of local councillors; and such meeting in any local municipality in which a village municipality is situate, may be held within the limits of the village municipality :

Notice of meeting and by whom given in first instance. 2. Public notice of every such meeting shall be given, in every local municipality already organized, by the mayor or in his absence or default by the secretary-treasurer; and in every municipality hereafter organized a like notice of the first of every such meetings shall be given by the registrar or in his absence or default by his deputy;—and every such meeting shall be held whether previous notice thereof be given or not;

[Form A.]

Election of Councillors.

3. The said councillors may be chosen from among the inhabitants of the local municipality,—or, if the same be a parish or township municipality, from among the inhabitants of any town or village municipality within the limits of such parish or township—From among whom Councillors may be chosen. or partly from the inhabitants of such town or village and partly from the other inhabitants of such parish or township,—Who may be elected. whether they be or be not qualified to vote at such election ; But no person shall be so elected unless at the time of his election he is possessed, as proprietor, either in his own right or in the right of his wife, of a real estate held in *fief*, in *censive*, in *franc-alleu*, or in free and common soccage, in the municipality for which the election is held, of the value of four hundred dollars ; Qualification of Councillor.
4. In every local municipality hereafter organized the registrar, or in his absence or default his deputy, shall appoint a fit and proper person to preside at each of such meetings, and shall give to such person special notice of his appointment, and of the time and place at which the first session of the councillors elected at the meeting to be presided over by him, will be held ;—and in every local municipality already organized the mayor shall preside at each of such meetings ; Who shall preside at such meetings. [Form C.]
5. If on the day appointed for the general election of local councillors, the person, who should preside at the meeting, is absent therefrom, then the senior justice of the peace there present, or in the absence of a justice of the peace, any person chosen from amongst themselves by a majority of the persons constituting such meeting, shall preside thereat, and shall perform, in so far as regards the said election and the proceedings consequent thereupon, the duties required to be performed by the person who should have presided thereat ; Who shall preside in default of the person so appointed.
6. No person shall be disqualified for election as a councillor because he presides at the election ; Person presiding not disqualified.
7. The person presiding shall, during the election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying or convicting of violators of the law, as are vested in the justices of the peace, whether he does or does not possess the legal property qualification of a justice of the peace ; Powers of person presiding for preserving the peace.
8. In order to maintain the peace and preserve order at every such election,—the person presiding thereat may command the assistance of all justices of the peace, constables and other persons residing in the county, and may also swear in as many special constables as he deems necessary ; he may also Such person may command assistance, swear in special constables, &c. commit

Election of Councillors.

[Form U.] commit to the charge and custody of any constable or other person, on view, for any period not exceeding forty-eight hours, any person whom he finds breaking the peace or disturbing public order at any such election, or he may, by a warrant under his hand, commit the offender to the common gaol of the district in which the municipality is situate, or to any lock-up house or other place established for the safe keeping of prisoners in any municipality within the county, for any period not exceeding ten days ;

Poll book to be kept if more than seven candidates.
Casting vote of person presiding.

9. If there be more than seven candidates at any election, the person presiding shall take down, or cause to be taken down, the votes of the electors present, in a poll book kept for that purpose, and shall declare the seven candidates who have the largest number of votes in their favor, to be duly elected councillors ;—and if an equal number of votes be polled for any two or more of the candidates, the person presiding may vote, but he shall vote in such case only ; and he shall give his casting vote in favor of such candidate or candidates as he thinks fit, whether he is otherwise qualified to vote or not ;—and whenever the election is not opposed by more than three persons qualified to vote thereat, the person presiding shall declare the candidates duly elected ;

Poll may be continued to second day if all votes not polled on first.

10. If the votes of all the electors present have not been polled by the hour of five in the afternoon of the first day of the said meeting, the person presiding shall adjourn the proceedings thereof to the hour of ten in the forenoon of the following day, when he shall continue to take down the votes ; and he shall close the election at the hour of five in the afternoon of the said second day (whether any more votes remain to be polled or not), and shall then declare duly elected councillors such of the candidates as are entitled to be so declared elected ;

To be closed if no vote be offered for an hour.

11. If, at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapses without any vote being polled, it shall be the duty of the person presiding, after the expiration of the said hour, to close the said election and declare duly elected as councillors such candidates as are entitled to be so declared elected, provided no person has been, within the last hour, prevented from approaching the poll by violence, and notice of his being so prevented has been given to the person presiding ;

Provided persons have not been prevented from voting by violence.

Voter may be required to take an oath.

12. Every person tendering his vote shall, before voting, if required by the person presiding, or by any one of the candidates at the said election, or by any person representing any such candidate, or by any inhabitant qualified to vote at the said election, take the following oath before the person presiding :—

“ I

Election of Councillors.

“ I swear (*or affirm*) that I am entitled to take part in the
 “ proceedings of this meeting, that I am twenty-one years of
 “ age, that I am duly qualified to vote at this election, that I
 “ have paid all local rates or taxes due by me, and that I have
 “ not already voted at this election. So help me God ;”

Oath.

13. The person presiding at every such election shall, within
 two days from the close of the election, give special notice of
 his election to each of the councillors so elected, and of the
 place, day and hour at which such councillor will be required to
 attend, for the holding of the first session of the council after
 such election ;—the councillors so elected shall enter upon
 the duties of their office, as such, respectively, on the day of
 their election, and remain in office until the day of the next
 general election, and thereafter until their successors are installed
 in office ;

Notice to be given to Councillors elected.

[Form E.]

Entry into office.

14. The person presiding at every such meeting shall, within
 eight days after the day appointed for such meeting by a
 letter under his hand, inform the Warden or the Secretary-
 Treasurer of the County Council, or, if there be no such officers,
 the Registrar, of the result of such meeting, and (if an
 election took place,) of the names, occupation and resi-
 dence of each of the councillors elected thereat ; and shall
 deliver up the poll book kept at such election, and certified by
 him, to the Warden, Secretary-Treasurer of the County Coun-
 cil, or Registrar ; And if such delivery be made to the Warden
 or to the Registrar, such Warden or Registrar shall give up to
 the Secretary-Treasurer of the county council, without delay, if
 there be then any such officer, and, if not, immediately after his
 appointment, all such letters and poll books ;

Notice to Warden or Secretary-Treasurer.

[Form F.]

Delivering of poll books, &c.

15. If any such meeting does not take place at the time
 appointed in the public notice or by law, or if it takes place and
 no election of councillors be made, or less than seven coun-
 cillors be elected thereat, or if amongst the persons so elected
 there be not one at least who can read and write, the person
 who presided, or should have presided at such meeting, or the
 secretary-treasurer of the local council, so soon as the fact
 comes to his knowledge, shall notify the same to the provincial
 secretary, for the information of the Governor, who, if no
 election has taken place at such meeting, or if amongst the
 persons elected there be not at least one who can read and
 write, shall select and appoint seven councillors duly qualified
 as aforesaid, and who, if any number less than seven coun-
 cillors have been elected at such meeting, shall appoint a
 sufficient number of councillors to complete the required
 number ; and the councillor or councillors, so appointed, shall
 have the same powers, perform the same duties, and be subject
 to the same penalties as if they had been elected ;

Appointment of Councillors by the Governor, if they are not elected.

Their powers.

16.

Contested Elections.

Entry into office.

16. The councillors so appointed shall enter upon the duties of their office as such, respectively, on the day on which special notice of their appointment is given to them by the person presiding at such election and remain in office until the day of the next general election, and thereafter until their successors are installed in office ;

Term of office.

Place and time of first session to be notified to them.

17. The person presiding at such election, in giving such special notice, shall also notify the councillors so appointed of the place, day and hour at which the first session of the council after such appointment is to be held ; and the said day shall be some day between the first and second Sundays after such notice.

CONTESTED ELECTIONS.

Circuit Court to decide them.

34. If the election of all, or of one or more, of the councillors of any local municipality be contested, such contestation shall be decided by the circuit court in and for the County, or of the District, within the limits of which County or District the place of election is situate :

Who may contest.

2. Every such election may be so contested by one or more of the candidates, or by any ten at least of the inhabitants qualified to vote at such election ;

To be brought before Court by petition.

3. The said contestation shall be brought before the court, by a petition signed by the petitioner or petitioners, or by an attorney duly authorized, setting forth in a clear manner the grounds of such contestation ;

Service of copy of petition.

4. A true copy of the petition, with a notice stating the day on which the petition will be presented to the court, shall be first duly served upon the councillor or councillors whose election is contested, at least eight days before the day on which the petition is presented to the court ; and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service ;— But no such petition shall be received after the term next following the election thereby contested, unless such election took place within the fifteen days next preceding the first day of such term, in which case the petition may be presented on the first day of the second term, but not later ;—nor shall any such petition be received unless security for costs be given by the petitioners ;

Time within which petition must be presented.

Adduction of evidence and hearing.

5. If the court is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, it shall order proof to be adduced, and the parties interested to be heard on the

the

Contested Elections.

the nearest day which it deems expedient, and shall proceed in a summary manner to hear and try the said contestation ;—

The evidence may be taken down in writing or given orally in whole or in part, as the court shall order ; and if the trial of such contestation is not concluded at the close of the term of the court during which it began, the judge shall continue the same in vacation, and shall adjourn from day to day until he has pronounced his final judgment upon the merits of the same ; and every such judgment so pronounced and all proceedings had in any such case in vacation, shall have the same effect as if the same had been pronounced or had in term ;

Trial may be continued in vacation, and judgment given.

6. The court may, on such contestation, confirm the election, or declare the same to be null and void, or declare another person to have been duly elected, and may in either case award costs to or against either party, which costs shall be taxed and recovered in the same manner, and by the same means, as costs are taxed and recovered in actions of the first class brought in such circuit court ; and the court may order its judgment to be served upon the Warden, or if there be no such officer, then upon the Registrar of the county, by such person as it shall appoint for that purpose, at the expense of the party condemned to payment of costs as aforesaid ;

What may be ordered and regulated by judgment.

Service of judgment on Warden.

7. If any defect or irregularity in the formalities prescribed for the election are set forth in any such petition, as a ground of contestation, the court may admit or reject the objection, according as such defect or irregularity may or may not have materially affected the election ;

Irregularities in election, how to be considered.

8. If any such Circuit Court, or any Judge sitting therein, on any such contestation, or if the Superior Court, or any Judge thereof, upon any other proceeding, declare the election of any Councillor to be void, such Court or Judge shall, in and by the judgment in that behalf, name the day, not being sooner than fifteen nor later than twenty days from the date thereof, for which a public meeting of the inhabitants of the local municipality shall be called, in order to make another election, and the mayor, or the Secretary-Treasurer, or if there be no such officers, the registrar, so soon as he hath cognizance of the judgment, shall call a meeting of the inhabitants of the local municipality by giving public notice of the day so named for the election, and shall proceed to the election of another councillor or councillors in the stead of the councillor or councillors whose election has been so declared null and void ; and the same formalities shall be observed at such election as are required to be observed at every general election of councillors ;

Proceedings if the election be declared void.

New election. [Form A 2.]

Annexation of Localities.

Election of Mayor or Warden may be contested.

9. The election of the Mayor of any local municipality or of the Warden of any county, may also be objected to and contested, and such contestation may be proceeded upon and decided in the same manner, and by the same means, as the contestation of the election of a councillor or councillors; but no such election of a Mayor or Warden shall be so objected to or contested by any other than a member of the council who elected him;

Proviso.

If election of Mayor be declared void.

10. If, by the judgment of the court, the election of a Mayor or of a Warden be declared null and void, then the council shall proceed to the election of a person to serve in his stead as such Mayor or Warden, within one month from the date of such judgment.

ANNEXATION OF PARTS OF PARISHES AND TOWNSHIPS AND OF EXTRA PAROCHIAL PLACES.

Territorial arrangements—Schedule 1.

35. For the purposes of this Act, subject to the exceptions mentioned in Schedule No. 1 * annexed to this Act, the following territorial arrangements shall be made :

Extra-parochial places.

2. Every extra-parochial place shall be annexed to one of the adjoining parishes in such county; and such extra-parochial place shall thenceforth, for all the purposes of this Act, form part of the said parish;

Parishes to be Municipalities.

Exception as to parishes in townships.

3. Every parish shall of itself form a separate municipality, unless such parish be comprised and included in a tract of land erected into a township, in which case it shall not of itself form a separate municipality, but shall form a part of the municipality of such township;

Parishes, &c., partly in one county and partly in another.

4. Whenever a parish, or a township, lies partly in one county and partly in another, each part shall be annexed to some adjoining parish or township in the county within which it lies, unless there are at least three hundred souls therein, in which case the said part of such parish or township shall of itself form a municipality, under the name of "The corporation of the "north," "south," "east" or "west" part (*as the case may be*) of the parish or township of " (*inserting the name of the parish or township*);

Case of a parish extending into a township in another county provided for.

5. But whenever a township, or part of a township, in one county, is annexed to a tract of land in another county, to form a parish, then,—unless the population of such township or part of a township amounts to three hundred souls, in which case such

* Vide page 104.

Annexation of Localities.

such township or part of a township shall form a separate municipality,—such parish shall be a separate municipality, and shall, for all municipal purposes, be held and considered as forming part of the county in which the remaining portion of the parish is situate ;

6. Every territory erected into a township beyond the lands comprised and included in fiefs and seignories, and wholly situate in one and the same county, (whether such township is or is not wholly or in part erected into a parish) shall, except in the cases otherwise provided for, form a municipality under the name of the “corporation of the township of
” (insert here the name of the township) ;

Every township to be a Municipality.

Exception.

7. When the population of a township does not amount to three hundred souls, such township shall not of itself form a municipality, but shall be annexed to some adjoining parish or township in the same county, and shall form part of the township or parish to which it is thus annexed ;

Exception as to a township having less than 300 souls, which shall be annexed to another Municipality.

8. When a parish wholly situated in one and the same county includes any incorporated city, town, or village, or a township, no councillors shall be elected in that part which lies beyond the limits of such city, town, village or township, but such part of such parish shall be annexed to some adjoining parish or township, except when there is in such part a population of, at least, three hundred souls, in which case, the said part of the said parish shall form by itself a municipality, under the name of “The Corporation for the “North” “South” “East” or “West” “Part of the parish of
” (here insert the name of the parish) ;

Parishes including town, village or townships.

Exception if it has less than 300 souls.

9. But any parish of which an incorporated city, town or village forms part, shall be designated by the name of the “Municipality of the parish of
” (insert the name of the parish) provided that the population of the said parish, not included within the limits of such town or village, exceeds three hundred persons ;

How parishes shall be designated in certain cases.

10. Whenever it is represented to a county council that the residents of any two or more townships, no one of which contains a population sufficient to constitute a municipality, are desirous of being united for the purpose of forming jointly a municipality, such county council may unite for that purpose so many of such townships, under the joint names thereof, as are necessary to make the joint population of such united townships amount to three hundred souls ;—and from and after the first day of January next after the publication of the resolution declaring such annexation, the townships so united shall

County Councils may, upon proper application, unite two or more townships containing each less than 300 souls.

Annexation of Localities.

shall form a local municipality, and an election of councillors for such municipality shall take place in such month of January, in the manner prescribed by this Act, notwithstanding that such time be not the year and month fixed by this Act for holding the election ; and the councillors so elected shall remain in office until the next general election of councillors ; and further until their successors are installed in office ;

Annexation of extra-parochial places, &c., how effected.

[Form K.]

11. Every annexation of an extra-parochial place, or of a parish or township, or part of a parish or township, to another parish or township, shall be made by a resolution of the county council ;—and the secretary-treasurer of the council shall, immediately after the passing of every such resolution, give public notice of such annexation ;

Separation when such place contains more than 300 souls.

12. But whenever it appears, by a general census, or by a special enumeration of the inhabitants, that any locality so annexed contains a population exceeding three hundred souls, the county council shall by another resolution declare that the resolution under which such locality was so annexed, shall be revoked from the first day of January then next ;—and from and after the day so appointed for the revocation of the former resolution, the locality therein mentioned shall cease to be so annexed, and shall thenceforward form a separate municipality ;

Enumeration to be made in certain cases.

13. And the county council may at any time, and shall, whenever required by any two or more persons resident in any locality so annexed, cause a special enumeration of the inhabitants thereof to be made by some municipal officer, or other person appointed by the council for the purpose ;

Costs of enumeration, how paid.

14. But if it appears, from such enumeration, that the locality so annexed does not contain a population of three hundred souls, the persons requiring such enumeration shall reimburse to the council the costs thereof, for the payment of which costs the county council shall require security from such persons before causing the enumeration to be made ;

Certain places to continue to form distinct municipalities.

15. But notwithstanding the provisions of the next preceding paragraph, every parish, township, or part or parts of a parish or township, the inhabitants whereof were on the first day of July, one thousand eight hundred and fifty-five, entitled to elect two members of the county council, shall each continue to form a distinct municipality, unless and until its limits have been changed by virtue of some other provision of this Act ;

Erection of Towns and Villages.

16. Every sub-division of a township, for which Councillors have been elected before the passing of this Act, shall be and continue to be, and shall be considered as having been, from the time of the first election of Councillors therein, to and for all intents and purposes a separate municipality, under the name of "The Corporation of the "North," "South," "East," or "West" part of the township of " (here insert the name of the township) ;

Sub-divisions of townships for which Councillors have been elected, to continue to be Municipalities.

17. All persons liable to assessment in any Municipality the limits of which shall have been changed either in consequence of the civil erection of a new parish or otherwise, shall continue responsible for all debts, and for the performance of all duties with which they were charged towards the Municipality from which they shall have been separated as well as towards any other Municipality at the time of such change, and the first election of councillors for any new parish, shall be had and held and have effect in the manner provided for first elections in new towns or villages by the last paragraph of the next following section.

Alteration in Municipality not to discharge liability for debts.

ERECTION OF TOWNS AND VILLAGES.

30. The erection of any tract of land into a town or village municipality, shall take place in the manner hereinafter provided, that is to say :

Erection of town and village—how effected.

2. Whenever a petition is presented to any county council by thirty or more inhabitants qualified to vote at the election of local councillors, praying for the erection into a town or village municipality of any tract of land lying within the limits of the local municipality in which the petitioners reside, and clearly defined in such petition, the county council shall refer such petition to the person appointed as Special Superintendent, with an order to visit the said tract of land and to report on the said petition ;

Petition by thirty electors.

[Form R.]

Reference to special Superintendent.

3. The Special Superintendent shall give public notice of the day and hour at which he will visit such tract of land and commence his examination thereof, and shall hear all interested parties who may appear, and require to be heard ;

His visit to the place.

[Form S.]

4. If there be not at least forty inhabited houses erected upon some part of such tract, within a space not exceeding sixty superficial arpents, the Special Superintendent shall report the fact to the county council, whose duty it will be in such case to reject the petition ;

If the number of houses be too few.

5. But if forty inhabited houses are erected on such tract within the said space of sixty superficial arpents, the Special Superintendent

And if the number be sufficient.

Erection of Towns and Villages.

- Limits to be assigned. Superintendent shall define in his report, and describe in a plan accompanying the same, the limits which, in his opinion, should be assigned to the said tract of land when erected into a separate municipality ;—and if the limits so defined and described are different from the limits mentioned in the said petition, he shall specify in his report the motives of such deviation ;
- Streets and lots. And he shall also describe upon the said plan the several streets, and lots, distinguishing between the streets opened and projected, and the lots built upon and vacant ;
- Deposit of report, &c. 6 After having made and signed, such report, the Special Superintendent shall deposit a copy thereof and of the plan accompanying the same in the office of the county council ;
- Homologation or amendment of report by County Council. [Form T.] 7. The county council may homologate every such report, with or without amendment, after having caused public notice to be given to the inhabitants of the local municipality from which it is proposed to detach such tract of land, of the day and hour at which they will proceed to the examination thereof, and after having heard the Special Superintendent and the parties interested (if required to do so) upon the merits thereof ;
- Presumed homologation, if no amendment. 8. If after the lapse of two months from the day of the deposit of a copy thereof in the office of the county council, no amendment has been made to the said report, it shall be considered as having been homologated by the county council ;
- If amendment be made. 9. But if, before the expiration of that time, the said report be amended by the county council, the county council shall cause to be entered upon the original, or on a paper annexed thereto, all such amendments as they have made upon or annexed to the copy thereof ;
- Copy to Provincial Secretary. 10. In either case the Secretary-Treasurer shall, after the expiration of the said period of two months, transmit to the provincial secretary a true copy of the said report and of any amendments which may have been made thereto, and of all plans and other documents connected therewith ;
- Governor in Council may approve, reject or amend. 11. The Governor may thereupon, by an order in council, approve or reject the said report, whether the same be amended or not by the said municipal council, or modify or amend the same in such manner as he deems expedient ;
- Proclamation, if approved, with or without amendments. 12. If, by the said order in council, the said report be approved, with or without amendments, then the Governor may issue a proclamation under his hand and seal, declaring the name to be given, and defining the limits to be ascribed, to such tract of land, as a separate municipality ;

Erection of Towns and Villages.

13. From the first day of January next after the expiration of the two months immediately following the date of the said proclamation, the tract of land, the limits whereof have been so defined, shall be detached from the local municipality whereof it theretofore formed part, and its inhabitants shall be a corporation or body politic, to all intents and purposes whatsoever, by the name of "The Corporation of the Town or Village of (as the case may be) _____," (insert the name of the town or village); Effect of Proclamation and when it shall take effect.
14. The said proclamation shall be published in the *Canada Gazette*, and at least two copies of such proclamation, duly certified by the provincial secretary, shall be by him sent to the county council, whose duty it shall be to give public notice thereof; Publication of Proclamation.
15. No tract of land shall be erected into a town municipality unless it be shewn by the report of the Special Superintendent that there are at least three thousand inhabitants within such tract; Towns must contain 3,000 souls.
16. The Governor may, upon due proof that the number of inhabitants in any village, previously incorporated as such, amounts to three thousand souls, issue a proclamation creating such village a town municipality; Village containing 3,000 souls may be made a town
17. The municipal council of any parish or township municipality may hold their sessions in any town or village within the limits of such parish or township after the erection of such town or village into a separate municipality, as well as before; Council of the parish, &c., may still be held in town village.
18. Every town, borough or village, forming a separate municipality immediately before the first day of July, one thousand eight hundred and fifty-five, shall continue to exist as a separate municipality within the limits it then had, until the same are changed under the foregoing provisions; Towns and villages being municipalities when the Act 18 V. c. 100 was passed to continue such.
19. But upon a petition presented by at least two thirds of the assessable inhabitants of any town, borough or village, being on the day last aforesaid, or having been thereafter erected into a separate municipality, the Governor may issue a proclamation uniting such town, borough or village to some adjoining local municipality, if he is satisfied that such union will promote the interests of such town, borough or village; Union with another municipality, if necessary.
20. But no proclamation for uniting a town or village municipality to some adjoining local municipality shall have any force or effect until the first day of January next after the expiration of the two months immediately following the date of such proclamation; When the Proclamation under sub-section 19 shall take effect

Unincorporated Villages—Municipal Property.

Warden to cause Council-
lors to be elect-
ed, and Coun-
cil organized.

21. The warden of the county in which any newly erected town or village municipality is situate, shall cause an election of councillors to be had, and shall organize the council thereof so soon as the proclamation erecting the same takes effect, notwithstanding that such time be not the year and month fixed by this Act for holding the general elections of local councillors; but the councillors so elected shall remain in office until the next general election of councillors, and thereafter until their successors have entered into office and no longer.

UNINCORPORATED VILLAGES.

Formation of
unincorporated
villages by
By-laws of the
Local Councils.

37. Whenever there are, within the limits of a local municipality, at least forty inhabited houses erected within a space not exceeding sixty superficial arpents, the council of such local municipality shall, upon Petition of at least two thirds of the proprietors residing within such space, pass a By-law defining the limits of such tract and recognizing its existence as an unincorporated village, under such name as they may please to assign thereto; and from and after the date of the publication of any such By-law, the local council shall have the same power and authority to make By-laws for such unincorporated village, as the council of any incorporated town or village, erected under this Act.

PROPERTY AND DEBTS OF FORMER MUNICIPALITIES.

Moneys to be
paid over to
Treasurer of
new County
Council, and
how applied.

38. All moneys which on the first day of July, one thousand eight hundred and fifty-five, were or ought to have been in the hands of the secretary-treasurer of any municipality, and which belonged to any municipality which then ceased to exist, shall be paid into the hands of the secretary-treasurer of the county in which the place where the sittings of the council of such municipality were held is situate, and shall be at the disposal of the council of the said county, to be applied first to the discharge of the debts and expenses of the municipality which so ceased to exist, and afterwards to the discharge of those which the said county council may have itself contracted;—saving the recourse of any other county of which any part may have been within the municipality so ceasing to exist, for a share of such moneys proportionate to the population of such part as compared with that of the whole municipality so ceasing to exist:

Recourse of
any other
County, saved.

Recovery of
such money if
not paid over.

2. The county council shall have a right of action, for the recovery and payment of all such moneys as aforesaid; and the said moneys shall be afterwards employed or paid by the secretary-treasurer according to the order which he receives from the county council, in pursuance of the provisions aforesaid;

Property and Debts of former Municipalities.

3. All assessments or rates of any kind whatsoever, which, Assessments, &c., due, &c.
on the day last aforesaid, were due to any such municipality ceasing to exist, shall belong respectively and shall be paid to the local municipality within the limits of which they were imposed, in the same manner as if the said assessments or rates had been imposed in the said local municipality by and in virtue of this Act ;
4. From and after the first day of July, one thousand Transfer of property of old municipalities to those under this Act and the Acts consolidated.
eight hundred and fifty-five, all the property, moveable as well as immoveable, which then belonged to any municipality ceasing to exist, has belonged to the County Municipal and Road Act of 1855, within which the place, where the sittings of the council of the municipality ceasing to exist were held, is situate, in the same manner as if the said property had been acquired by the last mentioned county municipality ; Recourse of other municipalities, saved. saving the recourse of any other county of which any part may have been within the municipality so ceasing to exist, for a share of the value of such property proportionate to the population of such part as compared with that of the whole municipality so ceasing to exist ;
5. The debts, contracts and agreements of any municipality Debts, contracts, &c., of municipalities ceasing under the Act 18 V. c. 100, by what municipality to be paid or enforced.
which ceased to exist by the coming into force of the Lower Canada Municipal and Road Act of 1855, became there- after the debts, contracts and agreements of and shall be recoverable or enforceable by or from the county in which the place where the sittings of the council of the municipality so ceasing to exist were held, is situate, in the same manner as if the said debts had been contracted by and the said contracts and agreements had been entered into by the latter municipality, Recourse against other municipalities. saving the recourse of such county to recover from any other county within the limits of which any part of the municipality ceasing to exist was situate, a share of any sum paid in discharge of any such debt, proportionate to the population of such part of such municipality as compared with the whole population thereof ;—And it shall be lawful for any county council to cause a rate or rates to be levied on the assessable properties in any locality within such county forming a separate municipality, or part of a municipality, or parts of several municipalities, for the payment of any debt or debts contracted or work or works done for the advantage of any such locality by any county or parish municipality heretofore existing, or upon the whole county if the debt or debts was or were contracted or such work or works performed for the benefit of the whole county ;—and every such rate may be Rates to be levied for discharging such debts. levied for the satisfaction of any equitable claim, whether such debts were contracted or such works performed according to the formalities required by law or not ;

Delivery of Papers by Road Officers.

Population,
how deter-
mined.

6. The population referred to in this section shall be that established by the census taken in the year one thousand eight hundred and fifty-two.

DELIVERY OF PAPERS, &c.

Papers relative
to Road law to
be delivered,
and to whom.

39. Every person who formerly held the office of *grand voyer*, or any municipal office under any Act or law relating to the municipal or road system, and the heirs, testamentary executors or curators of any such officer who is dead or absent from Lower Canada, was bound to deliver to the secretary-treasurer of the municipal council of the county to which they relate, within fifteen days after the first of July, one thousand eight hundred and fifty five,—or if such secretary-treasurer was not then appointed, within eight days of his appointment,—all books, registers, *procès-verbaux*, *répartitions*, assessment rolls, resolutions, copies of judgment, maps, plans, returns and other documents and papers in his or their possession, or under his or their control, relating to such office, to remain deposited and of record in the office of the council and in the custody of the secretary-treasurer :

Action to com-
pel such deli-
very.

2. The secretary-treasurer of each county council has had and shall have a right to take possession of all and every such books, papers and other things wherever he can find the same, in the event of their not being delivered to him by the proper officer or person within the delay hereinbefore allowed, and has also had and shall have a right of action to recover, in the name of the Municipality, the same with damages, as indemnity to the Municipality, and costs, before any circuit court, by *saisie revendication* or otherwise from such officer or from his heirs, executors or curators, or from any other person having possession thereof:—And judgment in every such action by which delivery or the payment of damages or both has been ordered, may be enforced by *contrainte par corps* against the person condemned, according to the laws in force in such cases in Lower Canada, if by the declaration such *contrainte* is demanded ;

Enforcing
judgment in
such action.

Certain docu-
ments to be
furnished to a
new town or
village.

3. Any town or village municipality may demand from the council of the municipality from which such town or village has been separated, or from the council of any other municipality which has them in its possession, and such council shall, on such demand, give up to such town or village municipality, all documents or papers of any kind whatsoever, relating exclusively to the territory included in such village or town municipality, and shall allow the secretary-treasurer of such village or town municipality, or other officer appointed
for

Delivery of Papers by Road Officers.

for that purpose, to take copies of such parts of all other documents as relate to such territory, without any further fee than for the certificate of the authenticity of such copies ;

4. Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he ceases to hold such office, deliver to his successor in office, if then elected or appointed, or if not, within eight days after the election or appointment of such successor, all moneys, keys, books, papers and *insignia* belonging to such office ;

Officer going out to deliver up every thing belonging to his office.

5. If any such officer dies or absents himself from Lower Canada, or removes his domicile out of the County without having delivered up all such moneys, keys, books, papers and *insignia*, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor in office within one month from his death, from his departure from Lower Canada, or from the removal of his domicile out of the County ;

Obligations of his heirs or representatives.

6. And in every such case the Municipal Corporation shall, besides all other legal remedies, have a right of action before the circuit court, either by *saisie revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or *insignia*, with costs and damages, for the benefit of the municipality ;—and every judgment rendered in any such action may be enforced by *contrainte par corps* against the person condemned, according to the laws in force, in such cases, in Lower Canada, if by the declaration such *contrainte* is demanded.

Remedy of the Municipal Corporation in case of default.

Roads, Bridges, &c.—Classification.

SECOND PART.

ROADS, BRIDGES AND OTHER PUBLIC WORKS.

CLASSIFICATION AND GENERAL PROVISIONS APPLICABLE TO THEM.

Roads, &c., to be classified.

40. Roads, bridges and other public works shall, for the purposes of this Act, be divided into three classes :

Provincial works.

2. Provincial works,—comprising all roads, bridges and other public works made and held by the provincial government ;

County works.

3. County works,—comprising all roads, bridges and other public works made or maintained at the expense of a county or of several counties, or of the inhabitants or any number of the inhabitants of more than one local municipality in a county ; and

Local works.

4. Local works,—comprising all roads, bridges and other public works made or maintained at the expense of any one local municipality, or of the inhabitants of any portion thereof ;

Roads further classified.

5. Roads are further distinguished as front roads and by-roads ;

Front roads.

6. Front roads are those whose general course is across the lots in any range or concession, and which do not lead from one range or concession to another in front or in rear thereof ;

By-roads or routes.

7. By-roads (*routes*) are those whose general course is lengthwise of the lots in any range or concession, or which lead from one range or concession to another in front or rear thereof, or to a *banal* mill, or to a bridge or ferry not on the line of a front road ; and all other roads not being front roads ;—but any council may, by resolution, declare any other road to be a by-road ;

Roads between two concessions.

8. A front road passing between two ranges or concessions is the front road of both, unless one of them only has another front road, in which case it is the front road of the range or concession not having another front road ;—but any council may, by resolution, declare any other road to be a front road ;

Front roads of any lot.

9. That part of the front road of any range or concession, which is upon, or in front of, any lot, is the front road of such lot ;

Classification of Roads, &c.

10. No front road, opened after the first day of July, one thousand eight hundred and fifty-five, shall be less than thirty-six feet French measure, in width, between the lines of the fences on each side thereof; Width of front road.
11. No by-road and no road leading to a banal mill opened after the day last aforesaid, shall be less than twenty-six feet French measure, in width, between the lines of the fences on each side thereof; Width of by-roads.
12. Nothing herein contained shall be construed to prevent any road from being made wider than is above provided, if it is so ordered by *procès-verbal* or by-law; Different width made by order, by-law, &c.
13. Except where it is otherwise provided by some *procès-verbal* or by-law, there shall be, on each side of every road, a ditch three feet in width, properly constructed and having sufficient fall in the direction of its length, to carry off the water; and there shall be small drains across the road at all places where the same are necessary for the free passage of the water from one ditch to the other; these ditches and drains shall be held to be part of the road; Ditches in ordinary cases.
14. Ditches may be dispensed with or made of less width than is above provided, if the nature of the ground renders it advisable, and if it is so ordered by any *procès-verbal* or by-law; Ditches may be dispensed with.
15. If, in order to convey the water from off any road, it is deemed necessary to make any water course upon or through the lands of any person, such necessity shall be declared by the *procès-verbal* or by-law which regulates the making and maintaining such water course, as part of the work belonging to the road; Water-courses conveying water from roads through lands of any person.
16. Every person, upon whose lands such water course has been directed to be made, shall allow the same, and shall also allow free access thereto for the purpose of making and maintaining it; being first compensated (if he has not before received compensation) in the manner hereinafter provided; Water course allowed to be made. Compensation.
17. No council shall direct the demolition of any mill-dam, on the ground that the same is an obstruction to a water course, but the right to erect any dam and the rights and liabilities of all parties in respect thereof, whether for damage or otherwise, shall be adjudicated on and determined according to the ordinary rules of law; Councils may not order the demolition of mill-dams.

Ferries and Fords.

Ground occupied by road, in whom vested.

And if the road be discontinued.

18. The ground occupied by any road shall be vested in the local municipality in which it lies, and such road may be discontinued, or its position in any part may be altered by *procès-verbal*, but shall not otherwise be alienated ;—and whenever a road is discontinued, if the land on each side belongs to the same person, the said ground shall *pleno jure* become the property of such person,—or if the land on each side belongs to two different owners, then half the breadth of the road shall become the property of each of them, unless one of them has furnished land for a road in the place of that so discontinued, in which case the whole shall become his property.

FERRIES AND FORDS.

Ferries where both sides are in one locality.

1. Ferries, in cases where both sides of the river or water to be crossed lie within the same local municipality, shall be under the control of the municipal council thereof :

In the same County but not in the same local municipality.

2. Ferries, in cases where both sides of the river or water to be crossed lie within the same county, but not within the same local municipality, shall be under the control of the county council ;

Except at Quebec and Montreal.

If the two Councils cannot agree.

3. Ferries over any river, stream or water, the two banks of which are not situate in the same county, (excepting the ferry between the city of Quebec and the parish of Notre-Dame de la Victoire, and the ferries between the city of Montreal and the parish of Longueuil,) shall be under the control of the two local municipalities situated upon such river, stream or water where the Ferry is or is to be established ; But whenever the Councils of such municipalities do not agree, or refuse or neglect to grant any license when demanded, the Governor may grant the license and regulate the Ferry by order in Council ;

Money arising from ferries, to whom to belong.

4. The moneys arising from any license for a ferry shall, if the ferry be under the control of a local municipality, belong to such municipality,—and if it be under the control of the county council, they shall belong one moiety to each of the local municipalities between which the ferry lies, whether granted by municipal authority or by the Governor ; and such moneys shall be applied to road purposes ;

Exclusive privileges saved.

5. Nothing herein contained shall enable any municipal council to authorize any person to keep a ferry within the limits for which an exclusive privilege has been granted by law to the proprietor of any toll-bridge ;

To be kept even at bottom.

6. Fords over rivers shall be kept free from loose stones, and impediments, and the bottom shall be kept as smooth and even,

Winter Roads.

even, as practicable, and such fords shall be properly marked out with poles or *balises*.

WINTER ROADS.

42. On or before the first day of December in each year, every owner or occupant of land shall take or cause to be taken down to within twenty-four inches of the ground (leaving only the upright posts standing above that height) all fences by the sides of roads, and all line fences or fences making an angle with a road, to the distance of at least twenty-five feet from it,—except only within the limits of villages, and in places where the fences stand at least twenty-five feet from the side of the highway, or where, in consequence of hedges, or fences not removeable without great expense having been erected, the local council or the inspector may permit them to remain, on such conditions as may be deemed proper; and the fences so taken down shall not be replaced until the first day of April, of the next following year, unless the local Council shall have passed a By-law fixing other periods for taking down and replacing such fences, or for dispensing with the removal of the same, either in the whole or in any part of the municipality :

Fences to be taken down at certain seasons.

Exception; villages, hedges, &c.

2. Winter roads shall be laid out in such places as the inspectors shall from time to time determine ;

Site of road.

3. They may be laid out and carried through any field or any inclosed ground, except such as are used as orchards, gardens or yards, or are fenced with quick hedges or with fences which cannot, without great difficulty or expense, be removed or replaced, through which they shall not be carried without the consent of the occupant ;

Through what property to be carried.

4. They shall be kept in order by the persons who are bound to keep the same roads (or the roads for which they are substituted) in repair in summer, including the municipality when it is so bound ;

By whom to be kept up.

5. For the purpose of making and maintaining winter roads on the frozen surface of rivers, lakes and other waters flowing or lying between two or more municipalities, the powers, duties and authority of the councils of the several municipalities lying on each shore and of their officers respectively, shall extend beyond the ordinary limits of such municipalities, as far as the centre of every such river, lake or other water ;

Jurisdiction on rivers, &c., between two Municipalities.

6. Every such road shall be maintained by the local municipality through whose limits, as defined by this section, it passes

By what Municipalities to be kept up.

Winter Roads.

passes, unless it has been substituted for a summer road, in which case, if parties other than the municipality were bound to keep the summer road in repair, the same parties shall maintain the winter road ;

Joint expense
in certain
cases.

7. Every such road leading from one local municipality to another (when such local municipalities are not situate fronting on the river St. Lawrence) shall be traced out and maintained at the joint expense of both municipalities, and under the joint direction of the inspectors of both municipalities ;

Roads across
the St. Law-
rence.

8. Every such road across the St. Lawrence shall be traced out and maintained at the joint expense of the two county municipalities immediately connected by such road, and under the joint direction of the Councils of both Counties ;

When the
road leads to
a city, &c.

9. But when either end of such road across the St. Lawrence terminates at an incorporated city or town, or within two miles of the limits thereof, such city or town municipality shall bear one half, and the county municipality on the opposite side shall bear the other half of the expense of making and maintaining such road ;

As to Muni-
cipalities on the
north shore of
the St. Law-
rence having
roads leading
to the Island
of Montreal.

10. And the county municipalities, on the north shore of the St. Lawrence, having roads leading to the island of Montreal, shall be exempt from contributing towards the tracing out or maintaining of any such road leading to the island of Montreal ; but all such roads, except those terminating at, or within two miles of the city of Montreal, shall be traced out and maintained by the county municipalities respectively on the south shore of the said river from which they lead ;—and the winter roads leading to the island of Montreal from the county of L'Assomption, shall be traced out and maintained by that county ;

Double track
may be ordered.

11. The proper council may, by resolution, order that any winter road may be made double, having a row of *balises* in the middle, and a track on one side thereof for vehicles going in one direction, and on the other for those going in the opposite direction ;—And the said council may, from time to time, make such other general or special orders concerning the mode of keeping the said roads as it may deem expedient, and such orders shall be binding on the road officers and on all parties concerned ;

Balises, how
placed and
what kind.

12. All winter roads shall be marked by *balises* of spruce, cedar, hemlock, pine or other wood, of at least eight feet in length, fixed at a distance of not more than thirty-six feet one from the other, on each side of the road, if the road be single, and in the middle of the road, if it be double.

BY

Maintenance of Roads.

BY WHOM ROADS ARE TO BE MADE AND MAINTAINED IN THE ABSENCE OF ANY BY-LAW OR PROCÈS-VERBAL REGULATING THE MAKING AND MAINTAINING THEREOF.

43. If there be no valid *procès-verbal*, by-law or order, providing otherwise, then— By whom roads shall be made, &c.

2. The front road of each lot shall be made and kept in repair by the owner or occupant of such lot;—and if there be two or more owners or occupants, then by them jointly and severally, saving their recourse against each other;—but the owner or occupant of any lot shall not be bound to make or repair more than one front road on the breadth of such lot, unless such lot be more than thirty arpents in depth; and if there be more than one front road on any lot not exceeding that depth, and it be not regulated as aforesaid which of them shall be made and maintained by the owner or occupant thereof, then the inspector of roads for the division shall, on the application of such owner or occupant, declare which of such front roads shall be made and maintained by him, and the other or others shall be made and maintained as a by-road; Front roads. If more than one within a certain distance.

3. The front of any lot shall be that designated or intended as such in the original title,—or which appears to be such front by the roads laid down on the original plan, if the lot is in a township,—although the owner of the lot has placed his dwelling-house on some other part of the lot, and even although the concession line should form the boundary between two municipalities or parishes; What shall be understood to be the front of a lot.

4. Every ford and every public bridge shall be made and maintained by all the owners or occupants of lots in the parish or township, on the front road upon which such ford or bridge is situate; Fords and public bridges.

5. Every by-road shall be made and maintained by the owners or occupants of the lots in the concession to which it leads from a front or older concession, in proportion to the value of the lots so occupied by them; By-roads.

6. Every by-road leading exclusively to a mill, ferry or toll-bridge, shall be made and maintained by the occupant of such mill, ferry or toll-bridge; Road to mills, ferries, &c.

7. Front roads on ungranted lands of the crown shall be made and maintained as by-roads; Front roads on Crown Lands.

8. The work necessary for keeping in repair by-roads (or roads to be made as by-roads) and public bridges, shall not be done Work on By-roads, and
by

Work on Roads—Procès-Verbaux.

public bridges
how to be done.

Tender and
contract.

By whom paid
for.

Streets in
towns, &c.

Exemption
claimed, by
whom to be
proved.

by the labour of the parties bound to maintain the same, but by contributions in money ;—And the inspector of roads for the division shall, after public notice, give out such work in the month of October for the ensuing winter, and in the month of March for the ensuing summer, to the lowest bidder, who shall give satisfactory security for the proper performance of the work ;—and the sum required to pay for such work shall be paid by the persons liable therefor, in the proportion above mentioned, when they are not liable for the whole amount of the expenses ;

9. Streets in towns and villages shall be deemed roads, and made and maintained accordingly, unless the municipal authorities thereof provide for their being made and maintained in some other way ;

10. The burden of proving that any road is not subject to the foregoing provisions, shall always be upon the party claiming exemption from them.

PROCÈS-VERBAUX.

OLD PROCÈS-VERBAUX, BY-LAWS AND REPARTITIONS.

*Procès-ver-
baux* existing
when 18 V. c.
100 passed,
maintained.

14. Every *procès-verbal*, by-law or order touching any road bridge, or water course, in force on the first day of July, one thousand eight hundred and fifty-five, and not since repealed, shall remain in full force until it be repealed or altered by competent authority :

Also existing
apportion-
ments.

2. Any apportionment of any work among the persons jointly bound to perform the same, legally made and in force on the day last mentioned, shall remain in force until the expiration of the time for which it was made, unless it has been altered, or until it be altered under this Act ;

But may be
altered.

3. Every such *procès-verbal*, by-law or order as aforesaid, may be annulled, repealed or altered by a *procès-verbal* or by-law made under the authority of this Act ;

Repartitions
calculated on
breadth of lots
only to be valid
until altered.

4. No *répartition* or apportionment of labor made under any *procès-verbal* or by-law, shall be set aside or declared void solely by reason of its having been made or calculated upon the superficial contents or the breadth of the lots to which it relates, although the law required it to be made according to the value of such lots ;—but every such apportionment shall be considered legal, and shall have full force and effect until it be set aside or altered by some *procès-verbal* or by-law homologated or passed under this Act.

New Procès-Verbaux and Repartitions.

NEW PROCÈS-VERBAUX AND REPARTITIONS.

New Procès-Verbaux.

45. Whenever a representation is made to any county or local council, by a petition addressed to it, by any person interested in the matter, or a resolution has been passed by any county or local council, to the effect that provision should be made for the opening, constructing, widening or maintaining of any road, or for any other public work within the county or local municipality, or partly within and partly beyond the limits thereof, such Council shall forthwith appoint by resolution a Special Superintendent to report on such petition.

Application by
petition.

Special Super-
intendent to be
appointed.

2. If by any such Resolution the Council orders the Special Superintendent to visit the places where such work is to be done, he shall, before making such visit, give public notice to the inhabitants interested in such work, of the day, hour and place at which he will hold a meeting of such of the said inhabitants, as may attend to be heard for or against the performance of such work, or with the view of communicating to him any information relating thereto, and he shall hold such meeting accordingly;

Notice by such
Officer of his
visit if he is or-
dered to make
one.

3. If the Special Superintendent, whether he has visited the places where the work is to be done or not, considers that the work should not be done, he shall make a report thereon, stating the ground of his opinion; but if he is of opinion that the work should be performed, he shall draw up a *procès-verbal* or report accordingly;

His report, and
procès-verbal,
if required.

4. Every such *procès-verbal* shall determine—the position and description of the road, bridge or thing to which it relates,—the work to be done and the time within which it is to be completed,—the lands by the owners or occupants of which it is to be done, and under the superintendence of what officers it is to be performed;

What the *pro-
cès-verbal* shall
determine.

5. When the nature of the work allows it, the portion of the road which is to be made by the owner or occupant of each lot respectively, shall be defined and described in the *procès-verbal*, that it may be afterwards marked out on the ground, by the Inspector,—and whenever it shall appear to the special Superintendent that, by reason of the nature of the ground over which the front road of any lot passes, or by reason of the oblique direction in which it passes, in crossing the breadth thereof, or from other circumstances, the quantity of work to be done by the owner or occupant of such lot would exceed by more than one half the average quantity of work on the front roads

When practic-
able, the share
of work to be
done by each
person, to be
defined.

Relief may be
granted to per-
sons whose
share of work
would other-
wise be exces-
sive.

New Procès-Verbaux and Repartitions.

roads of other lots of like value in the same concession, the said officer may, by any such *procès-verbal*, relieve the owner or occupant of such lot from making or maintaining a certain described portion of such front road, and may order that the same be made by joint labour and contribution, as in the case of a by-road or public bridge.

What *procès-verbal* may order.

Construction of bridges.

46. It may be ordered by any such *procès-verbal*—

2. That any public bridge be constructed of stone or brick, or other material, or partly of one and partly of another, and of certain dimensions, and according to plans and specifications attached to the *procès-verbal* and therein referred to, and which may be amended by the proper council or by a board of delegates, as forming part thereof ;

Fences, hand-rails, &c.

3. That proper fences, hand-rails, and other like fences, be placed at the side of any road where it passes near or borders upon any precipice, ravine or dangerous place ;

Paving, &c, roads through swamps.

4. That any part of a road through a swamp, or wet ground, be made with fascines of brushwood, or paved with square timber,—describing the mode of construction ;

Form and materials of road.

5. That any road be or be not raised in the middle, and that any specified kinds of materials shall or shall not be used in making or repairing it ;

Clearing timber from along side of road.

6. That the timber where the road passes through uncleared lands shall be cut down for the space of twenty feet on each side of it, except such trees as form part of a maple grove destined for the manufacture of sugar, or as may be reserved for ornament to the property ;

Generally as to mode of construction.

7. And generally, the mode of constructing and repairing the road and the work may be ordained by any such *procès-verbal*, due regard being had to the situation of the road, the travel over it, the more or less advanced state of the settlements to and from which it leads, and the circumstances of the parties by whom it is to be made and maintained ;

Deposit of *procès-verbal* for revision.

8. The Special Superintendent shall, before the expiration of thirty days after the time of his appointment, report the work as aforesaid, deposit his report or *procès-verbal* in the office of the council by which he was appointed ; if such council is a local council, and the work to be performed is a county work, or a work in which the inhabitants, or part of the inhabitants of more than one county are interested, the Secretary-Treasurer of the local council shall transmit the *procès-verbal*

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verbal to the Secretary-Treasurer of the county council, who shall deposit it in the office of such county council ;

9. The local council, if the work to be performed is a local work,—or the county council, if the work to be performed is a county work,—or the board of delegates hereinafter named, if the work is one which interests the inhabitants or part of the inhabitants of more than one county,—shall examine and revise the *procès-verbal* ;

What Council shall revise it.

10. Within three days from the date of the deposit of every such *procès-verbal*, the secretary-treasurer shall give special notice to the members of the Council, that a special session of the Council will be held on the day specified therein, which shall be not less than ten and not more than fifteen days from the date of such notice, for the purpose of examining or revising such *procès-verbal* ; and shall also give public notice of such session to the inhabitants interested in the work to which such *procès-verbal* relates ;

Public and special notices of time and place of revision.

[Form Y.]

11. And whenever the work to which any such *procès-verbal* relates concerns, or is to be made or maintained by the inhabitants or part of the inhabitants of more than one county, the warden of the county in which the work was originally proposed, shall, within fifteen days after the deposit of the *procès-verbal*, give special notice to the delegates appointed under this Act, in each of the counties interested in such work, of the day, hour and place at which they shall meet, to examine and revise such *procès-verbal* ;—and he shall also give public notice of such intended meeting to the inhabitants of the several local municipalities interested in such work ;

Notice to delegates when the P. V. concern inhabitants of more than one county.

And publication in locality.

12. The delegates so notified and the warden by whom such notice is given, shall attend at the time and place so appointed ;—and the said delegates, when assembled, shall form, and be designated as the board of delegates from the several counties interested in the work to which such *procès-verbal* relates ;

Delegates bound to attend—to be a Board.

13. Any number above the one half of the delegates, so notified to attend any such meeting of delegates, shall form a *quorum* ; and some person, from among such delegates previously appointed by the county council for that purpose, shall preside at the meeting ;

Quorum for such revision.

14. The secretary-treasurer of the county council of the county in which the work was originally proposed, shall act as Secretary to the delegates during their meeting ; and it shall be the duty of such secretary-treasurer to make a minute of

Who shall act as clerk of the delegates.

He shall keep a minute of proceedings.

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of their proceedings and to deposit the same in the office of the council of which he is secretary-treasurer, to form part of the records thereof ;

Majority to decide.

15. All disputed questions shall be decided by a majority of the votes of the delegates present, including the President ; and when the votes are equally divided, the President shall give the casting vote ;

Casting vote.

Parties to be heard.

16. Every such local council, county council or board of delegates, before deciding upon the merits of any *procès-verbal* so submitted for their examination or revision, shall hear the persons interested in the work to which such *procès-verbal* relates, and any person who may be in attendance at the time and place appointed for such examination and revision, may require to be heard ;

Procès-verbal may be homologated with or without amendments.

17. Every such council or board of delegates may reject or homologate, either without alteration or with such amendments as they may deem just and expedient, any *procès-verbal* so submitted to their examination or revision ; and shall also, in every case, determine the amount of costs incurred, and order the same to be paid by all the parties interested, if the *procès-verbal* be homologated, and by the petitioner or petitioners, if the petition or *procès-verbal* be rejected ;

When to be in force.

18. Every such *procès-verbal* shall remain in force, as so homologated or amended, from the day of the date of such homologation or amendment ;

To be deemed homologated after remaining a certain time without amendment or homologation.

19. No *procès-verbal* shall be considered duly homologated unless it has been homologated with or without amendment by the council charged with the examination or revision thereof, or has remained deposited in the office of such council, without having been homologated or amended, during a period of thirty days after the time when the special session for such examination or revision was or should have been held, as hereinbefore provided ; but, at any time during the said thirty days, the council may examine or revise such *procès-verbal*, if they have not done so at the time fixed for the special session, as aforesaid ;

Or if the delegates fail to meet or adjourn *sine die*.

20. If the board of delegates, whose duty it is to examine or revise any such *procès-verbal*, fail to meet at the time appointed for such meeting, or having met, close such meeting, either formally or by adjourning *sine die*, without having amended or homologated the same, such *procès-verbal* shall be deposited in the office of the county council of the county in which the work was originally proposed ; and shall be considered as having

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having been duly homologated, and shall be in force from the expiration of thirty days after the date of such deposit, unless, during the said thirty days, the delegates (as they may do) reject or homologate such *procès-verbal*, in the manner hereinbefore provided ;

47. Whenever any *procès-verbal* is homologated as aforesaid, the Special Superintendent shall, within fifteen days from the homologation thereof, make and deposit in the office of the Secretary-Treasurer, an *acte* of *répartition* or apportionment of the work to be made under such *procès-verbal* ;

Acte of apportionment of work.

2. In every *acte* of *répartition*, after having mentioned the work to be done, and the lands by the owners or occupants whereof they shall be executed, the Special Superintendent shall determine the proportion of the work to be done by each, whenever some are more interested than others, and he shall indicate what part of the contribution shall be in money, and what part in work and materials, and to what officers, when, and where, such contribution shall be made or delivered :

What shall be set forth in every acte de répartition.

3. In fixing the share of money, work or materials to be contributed by the owners or occupants of the several lots, regard shall be had to the value of such lots, and the buildings and improvements thereon, and not to their mere extent, such value being taken from the valuation roll, if any is in force when the *acte* of *répartition* is made, or if there is none, then according to the estimate of the Special Superintendent ; but the share so fixed shall not be affected by any subsequent valuation, unless the *procès-verbal* or the *acte* of *répartition* is altered ;

Work to be apportioned according to the value not the quantity of lands owned by the parties liable.

4. The secretary-treasurer shall annex every such *acte* of *répartition* to the *procès-verbal* to which it relates ;

To be annexed to procès-verbal.

5. Every such *acte* of *répartition* shall be considered in force from the date of its deposit in the office of the secretary-treasurer as aforesaid ; but the Council may, at any time, at the request of any person interested therein, revise, amend or alter the same ; But no Council shall revise, amend or alter any *acte* of *répartition*, unless public notice be previously given to the persons interested, of the day, hour and place when the Council shall proceed to such revision, and unless they have heard any person requiring to be heard in relation thereto ;

When the acte of répartition shall be in force.

It may be amended—but not without notice.

6. The secretary-treasurer, having the custody of every *procès-verbal* homologated as aforesaid, shall deliver to the secretary-treasurer of the Council of every Municipality the inhabitants or part of the inhabitants of which are interested in the work it concerns, a copy duly certified by him of such *procès-verbal*

A copy to be delivered to each municipality interested.

Powers and duties of Road Officers.

procès-verbal as homologated and of the *acts de répartition* relating thereto ;

A *procès-verbal* may be repealed, &c., by another.

7. Any *procès-verbal*, made under this Act, may be repealed, altered, amended or explained at any time by another subsequently made in like manner.

POWERS AND DUTIES OF ROAD OFFICERS, &c.

Certain works to be maintained and repaired under the direction of the proper Council.

48. All municipal works, of which a *procès-verbal* has been homologated as aforesaid, shall be executed, maintained and repaired under the direction of the proper Council, or of the road inspector, or other municipal officers in the manner prescribed by this Act :

Power to enter on lands to make surveys, search for materials, &c.

[Form Z.]

2. The Special Superintendent appointed for that purpose, by the proper council, or the inspector of roads, or any surveyor or person accompanying him, or authorized in writing by him, may enter, in the day time, upon the lands of any person, whether occupied or unoccupied, inclosed or uninclosed, for the purpose of making a survey for any road,—and may also enter upon any unoccupied land for the purpose of searching for timber, stone or other materials for making or repairing any road, or any bridge or work therewith connected, doing no wilful and unnecessary damage, and making compensation only for actual damage done ; and such officer or person need not give any notice whatever before entering upon any land for any of the purposes above specified ;

Compensation for actual damage only.

Inspectors may take materials off unoccupied lands.

Compensation and how set off, or paid.

3. Every Inspector of roads, superintending the making or repairing of any road or bridge or work therewith connected, may enter in the day time upon any unoccupied land to the distance of one arpent from such road, bridge or work, and take from off the same any stone, gravel, earth or materials requisite for making or repairing the road ;—but he shall, as soon thereafter as may be, declare on oath before some justice of the peace, what he believes to be the damage done to such land by the taking of such materials ;—And the amount so sworn to shall be set off against any road contribution, or penalty due in respect of such land, or by the owner thereof, or if such amount exceeds the sum so due, the balance shall be paid to such owner by the inspector, out of any moneys in his hands for defraying the cost of making or repairing such road, bridge or work, and if he has not sufficient, the money shall be raised by assessment as other moneys required for such purpose ;

Proviso if damages exceed \$20.

4. Provided that if the amount of such damages exceed twenty dollars, the same shall be assessed by the valutors of the municipality or any two of them, in like manner as the value of

Obstruction of Public Works.

of ground taken for a road or other public work, and their award, or the award of any two of such persons as may be appointed in their stead, as hereinafter provided, shall be final;

5. Every inspector, in every municipality not situate in a township, shall, upon all roads in his division, whether the Council has so ordered or not, cause to be traced at the beginning of every winter, and maintained during the whole season, a double track of twenty five feet in length, at distances of not more than four arpents from each other; and every such double track shall be separated by *balises* ;

Inspectors to trace double tracks in winter at certain distances.

6. Each inspector of roads, whenever required by the council, shall pass over and examine every road in his division or over which he has any authority or superintendence, and make notes of the state in which he finds each road or any work thereon, or therewith connected,—and he shall note every case in which he finds any person to have neglected to perform any duty imposed on him by this Act, and shall prosecute any such officer or person in the name of the Municipality for such neglect ;

Inspectors to examine roads in their divisions.

To note offences and prosecute offenders.

7. Each Inspector of roads shall, whenever required by the proper council, make a report in writing to such council, containing the substance of the notes he has made, and all the information he has obtained since his last report.

Inspectors to report to proper Council.

RELATIVE TO THE OBSTRUCTION OF PUBLIC WORKS.

19. Each Inspector of roads shall cause all obstructions or nuisances to be removed from off the roads, bridges, ferries or fords under his superintendence respectively, and shall report all encroachments thereupon to the proper council, to the end that such council may compel their removal, if the person making any such encroachment does not, on being thereunto required by the Inspector, desist from such encroachment :

Inspectors to cause obstructions to be removed.

2. It shall be deemed an obstruction to leave or place any thing upon a road or bridge or in any ditch or water-course therewith connected, or to make any trench or opening in the road, or to do any other act whereby, in either case, the free passage of vehicles or foot passengers, over any part of the road, may be obstructed, impeded or rendered inconvenient, or the free passage of the water prevented, unless the act be done in the course of some duly authorized work upon the road or bridge, or by the command or with the permission of some road officer, under the authority of some by-law of the proper municipal council ; and the anchoring or mooring of any vessel at the landing place of any Ferry so as to impede free approach to the beach shall also be deemed an obstruction ;

What shall be deemed an obstruction.

Anchoring vessels improperly

Compensation for lands taken for Public Works.

Justice of the Peace may order removal of obstruction.

3. Any justice of the peace resident in the county may hear and determine any complaint of such obstruction or nuisance, and order the removal thereof at the expense of the offender, by such person as he shall by his warrant authorize to remove the same, and may tax the costs of such removal and cause the same to be levied with the penalty and costs of prosecution and by the same process ;

Encroachments defended to be tried by action.

4. Whenever a road, bridge or other public work is encroached upon, the local municipality may bring an action against the person so encroaching, to compel him to desist from such encroachment ;

Where such action shall be brought.

5. Such action shall be brought in the circuit court in and for the County, or of the District, in which County or District the local municipality or any part thereof lies, which shall have jurisdiction in all such cases, and with power, if the encroachment be proved, to adjudge that the property taken by such encroachment be restored to the municipality ;—

Enforcing execution of judgment.

And if such judgment is not complied with within fifteen days after service of a copy thereof on the defendant, then any judge of the said court may, in term or out of term, on the application of the municipality, direct a writ of possession to any bailiff, commanding him to remove from the property in question all buildings or fences erected thereon, and give possession of such property to the said municipality, which such bailiff, taking with him sufficient assistance, shall accordingly do ;

Writ of possession.

Costs in such action.

6. The costs in every such action shall be those allowed in actions of the first class in the said court, and the costs on the writ of possession and proceedings thereupon shall be taxed by a judge of the said court at such sum as in his discretion he thinks right, until they be regulated by a tariff of the court, under which the clerk of the court shall thereafter tax such costs.

COMPENSATION FOR LANDS TAKEN IN CONNECTION WITH
PUBLIC WORKS.

Compensation for land taken.

50. Whenever any land is taken for a road or bridge, or for the site of any building required for municipal purposes or for any other public work, the owner thereof shall receive fair compensation for the same from the parties who, by the *procès-verbal* or by-law, are bound to pay the same, or from the municipality, if such work has been or is to be performed at the expense of the municipality, unless it be decided that such owner is not entitled to compensation :

Exception.

Compensation for Lands taken.

2. In estimating the compensation, or deciding whether the owner of the land taken for a road is entitled to any, the advantages which he derives from the road, or from the change in the position thereof, or from his receiving any land no longer to be used as a road, as well as his liability to furnish land for road purposes or his exemption therefrom (as the fact is,) shall always be taken into consideration, and if they are equal to the damage sustained by the taking of the new land, then he shall be entitled to no compensation;—nor shall he be entitled to any damage arising from his supposed affection for the land so taken (*prix d'affection*);—but in no case shall he be called upon to pay compensation;

Mode of estimating amount of compensation.

No *prix d'affection*.

3. No compensation shall be allowed for the land itself taken for the first front road made upon it, nor for any road unless the quantity so taken exceeds the allowance for roads, made in the original grant or concession of such land from the crown;

No compensation for first front road; unless, &c.

4. The valuers of the local municipality in which the land is situate, or any two of them, shall ascertain the compensation (if any) to be paid, after public notice has been previously given of the day and hour when they will attend upon the ground to hear the parties and estimate the compensation, which time shall be appointed by the proper council;

Valuators to ascertain compensation after notice to parties interested.

5. Any two of the valuers may act in the absence of the third; and if any one or more of them be absent at the time appointed as aforesaid, or be disqualified by direct interest or by relationship to the party whose land is taken, or otherwise, or refuse or be unable to act, then the proper council shall appoint another person or other persons to act in his or their stead, and may for like cause and in like manner appoint a person to act instead of any person so appointed;

Two valuers may act.

Provision if any of them be disqualified.

6. It shall not be an objection to any such valuator or person acting as aforesaid, that he is related to some one or more of the parties by whom the compensation is payable;—and every objection to the competence of any such valuator or person, must be made before the delivery of the certificate hereinafter mentioned, otherwise it shall not avail;

As to objection to valutors.

7. The valutors or persons acting in their stead, or any two of them, after examining the land and hearing the parties attending as aforesaid, shall, by one or more certificates under their hands, ascertain whether any compensation, and if any, then what compensation shall be paid for the land taken, and shall transmit such certificates to the secretary-treasurer of the proper council, and the award made by such certificate shall be final and conclusive;

Certificate to be granted after hearing parties.

Award to be final.

Compensation for Lands taken.—Road Works.

What descriptions shall suffice in such certificate.

8. It shall suffice in any such certificate to mention the lot of which the land forms part, referring to the *procès-verbal* or by-law under which it is to be taken, and to state what compensation, if any, is to be paid for it ;—but any lot may be described as being supposed to belong to, or as being in the possession of any person ;

Land vested in municipality on payment of compensation, if any.

9. On delivery of any such certificate to the secretary-treasurer, if no compensation be awarded thereby, or on the payment of the compensation, if any, into the hands of the secretary-treasurer of the local municipality in which the land is situate for the benefit of the person entitled thereto, the land in question shall be vested in such local municipality as part of the roads thereof, if taken for a road or bridge ; or in the municipality by whom the work is to be performed as part of its property, if taken for any other purpose ; and the said certificate and the secretary-treasurer's receipt for the compensation (if any) shall be a sufficient title thereto, and shall not require registration to preserve it ;

Registration not required.

Compensation to be paid clear of all deduction.

10. The compensation shall be paid by the secretary-treasurer, free of all deduction, to the person entitled to receive the same, at the expiration of three months from the time of its being paid to such secretary-treasurer, and the person in possession of the land as proprietor thereof at the time it was taken, shall be held to be entitled to receive the compensation from the secretary-treasurer, saving the recourse of any other person to recover the same from the person so receiving it ; but if within the said three months there are contending claims, the secretary-treasurer shall keep the money in his hands, subject to the decision of the proper court ;

Proceedings if it be claimed by more than one party.

New roads not to be made through certain property without consent.

11. Nothing contained in this Act shall give authority to mark out any new road, or turn or widen an old one, in such manner as that the same shall pass through any garden, or farm yard, enclosed with a wall, board or standing picket-fence or hedge, or through any orchard, unless it be at the distance of more than four hundred feet from the dwelling house of the owner or of the occupant of such orchard, or to demolish or injure any house, barn, mill or other building whatsoever,—or to prejudice any canal or mill dam, or to turn the course of the water thereof,—without the consent of the proprietor of the same.

ROAD WORKS.

Inspector to give notice of work to be on roads.

51. It shall be the duty of each Inspector of roads, pursuant to the provisions of this Act and the orders and directions of the proper council,—to give notice to the inhabitants of his division of the time and place where and when any joint labour is to be

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Road Works.

be performed or materials to be furnished, and the amount of labour, quantity and description of materials to be then and there furnished by each,—which notice may be given verbally to each of such inhabitants in person or left in writing at his residence, and shall specify the tools and implements (being those ordinarily used by farmers) which each person is required to bring with him :

Tools to be brought by persons bound to work.

2. And if the nature of the work requires it, the Inspector may command any person having the same, to bring with him or to send with a man to work them, a horse or horses, an ox or oxen, with proper harness and a cart, waggon or plough ;— And every day's labour of a horse or ox, with such harness and vehicle or plough as aforesaid, shall be credited to the person furnishing the same as one day's work ;

Horses or oxen, &c.

3. Each Inspector shall also superintend and direct the performance of joint labour on the roads,—he shall appoint the hour of commencing and leaving off, and the time to be taken for rest or meals, the day's work being ten clear hours of labour on the spot where the work is to be done,—he shall dismiss any man who shall not attend during the hours appointed for labour, or who is idle or refuses to obey his orders, or does not work faithfully, or hinders others from working ;—

Inspector to superintend and certify performance of work.

4. No notice shall be required to compel any person to make or repair any front road which ought to be made or repaired by him alone ;

Notice not required to compel any person to keep his front road in repair, &c.

5. Whenever any road work which ought to be done or any materials which ought to be furnished upon, or for, any front road, by-road or bridge, in respect of any lot or by any person, remains unperformed or unfurnished after the owner or occupant of such lot or such person has been required as aforesaid to perform or furnish the same,—the Inspector of roads may cause such work to be done, or such materials to be furnished by some other person, and may recover, before any court of competent jurisdiction, the value of such work or materials from such owner or occupant or person in default, with twenty per cent in addition thereto and costs of suit, as a debt due to such Inspector ;

Inspector may cause unperformed work to be done and recover the costs from the party with 20 per cent. additional.

6. Or the Inspector of roads may report to the council that any such work remains unperformed or any such materials unfurnished, and that the person who ought to perform or furnish the same has been by him required so to do, or that such person has no residence in the division ;—And on such report the council shall authorize such Inspector to cause the work to be done or the materials to be furnished by some person or persons

Or the Inspector may cause it to be done by the municipality, which shall recover the expenses and 20 per cent. additional.

Road Works.

persons to be employed by him for that purpose, and the sum expended shall be recoverable by the municipality from the person in default, with twenty per cent in addition thereto, as a penalty for such default and costs ;—and the sum actually expended shall be paid by the secretary-treasurer of the municipality to the order of the Inspector, out of any moneys in his hands applicable to road purposes, or to the general purposes of the municipality ; and if the amount of any judgment obtained against any person so in default be not recovered, the same may be levied with interest and costs, as arrears of taxes due to the municipality in the manner hereinafter provided ;

What shall be proof of the necessary facts in the foregoing cases.

7. The testimony of the Inspector that the formalities of the law were complied with, and that the work was done or the materials furnished, that the sum charged is the true value thereof, and that the defendant is the person liable for the same by law, shall be *prima facie* evidence of such facts, and if not controverted, shall be sufficient to maintain the claim and demand of the municipality or of such Inspector ;

The 20 per cent. to be in lieu of penalty.

8. In either of the cases last above mentioned, the person in default shall not be liable to a penalty, but the twenty per cent above mentioned shall stand in stead thereof ;

Occupant of land liable for road charges, and one year's arrears thereof.

9. The actual occupant of any lot shall always be liable for the work or contribution assigned to such lot, and for one year's arrears thereof, saving his recourse (if any) against any previous occupant, or against the owner of the lot, or any other person ;—And if any lot be divided after the making of the *procès-verbal*, or there be from any other cause more than one occupant thereof, they shall be jointly and severally liable, saving to each his recourse against the others ;

Liability for damages for non-performance of work.

10. Every person shall be liable for all damages arising from the non-performance of work he is bound to perform, and if any persons are jointly and severally so bound, they shall be jointly and severally liable ;

Inspector to report arrears and to sue for the same.

11. Each Inspector shall from time to time report to the Council of his division, the arrears of labour and materials remaining unperformed and undelivered in his division, and of penalties remaining unpaid, specifying the lands in respect of which the same are due, the owners or occupants of such lands, if known, and the value in money of such materials delivered at the place where they ought to have been delivered by the persons in default ;—And it shall be the duty of the Inspector to sue for and recover the same in the name of and on behalf of the Municipality, from the persons liable.

Works by Contract.

WORKS BY CONTRACT.

52. It may be ordered by any *procès-verbal* or by any By-law or resolution, by any Municipal Council, that any work shall be submitted to public competition for a fixed price in money or partly in money and partly by means of materials, and days' labor, or either, to be furnished by the persons bound to contribute to such work :

Council may order work to be let out by contract.

2. For the purpose of obtaining tenders, the proper council shall cause public notice to be given, specifying clearly the work to be so given out, and the day on, or until which, tenders for the performance thereof will be received ; and such notice shall be given in one or more newspapers published in the county or the district in which it is situate, or if there is no newspaper published therein, in an adjoining county or district ;

Advertisement for tenders.

3. The contract for the said work shall be adjudged to the person tendering for the lowest price and on the most favorable terms, provided he fulfils the conditions and gives the security required for the execution thereof ;

Work to be adjudged to the most favorable bidder giving security.

4. Every such contract shall be entered into with the proper Council in the name of the Municipality and shall be accepted by the chief officer of or by any other person specially authorized by such Council ;

In whose name the contract shall be made.

5. Every such contract shall be binding on every Municipality interested in the work to which it relates ;

Contract to be binding.

6. The Council of every such Municipality may sue, in the name of the Municipality which it represents, to enforce the performance of any such contract, in any Court of competent jurisdiction ;

Enforcing the contract.

7. But no Municipality shall bring any such action, when other Municipalities are interested in the work to which such contract relates, until the expiration of fifteen days after notice given to the Council who homologated or in whose office is deposited the original *procès-verbal* relating to such work, requiring such Council to prosecute such action ;

Provision when more than one Municipality is interested.

8. Every person, to whom any such work is adjudged, shall furnish good and sufficient security, to the satisfaction of the council, for the performance of the said work, and the payment of all damages, costs and interest in the event of his not fulfilling his contract ;

Good security to be given by contractor.

9. The proper Council may require any Inspector of roads, in the local municipality in which the said work or any part of it is

Inspectors to superintend

is

Works by Contract—Works made by Assessment.

performance of contract when required. is to be executed, to superintend the performance thereof; and every such Inspector shall obey all orders of such Council;

Apportionment of the cost when the work is a county one. 10. Whenever the work is a County work the County Council, by whom the *procès-verbal* relating thereto was homologated or in whose office the original thereof is deposited, shall make an apportionment (*répartition*) among the different local municipalities interested, of the contributions required for the performance of the said work, establishing the proportion of the said contribution to be borne by each local municipality, or by such of the inhabitants thereof as are bound to bear the same, either in money, materials or days' labour; and a certified copy of such apportionment (*répartition*) shall be deposited in the office of the municipal council of each county or local municipality interested.

PUBLIC WORKS MADE BY ASSESSMENT.

In certain counties and parts of counties, roads, &c., shall be made by assessment only.

53. In every municipality in each of the counties of Richmond, Compton, Stanstead, Shefford, Brome, Missisquoi, Huntingdon, in each of the local municipalities in the county of Bagot, composed of Townships or part of Townships, and in the municipality of the Town of Sherbrooke, all the roads, bridges and other public works, which the owners or occupiers of land in such municipalities are bound to make and maintain, shall, from and after the first day of January next, be made and maintained solely by moneys to be raised for that purpose by assessment :

Any local Municipality may enact the same provision by By-law.

2. 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, bridges and other public works in such local municipality, or which the owners or occupiers of land in such local municipality, or any of them, are bound to make and maintain, shall thereafter be made and maintained solely by moneys to be raised for that purpose by assessment ;

Effect of such By-law.

3 From the time such by-law takes effect, and while it is in force, in any such municipality, and from the first day of January next, in all the municipalities in this section specially mentioned, the following provisions shall take effect ;

As to then existing *procès-verbaux*.

4. So much of any *procès-verbal*, as determines by the owners or occupants of what lands in such local municipality any road, bridge or other work shall be made or maintained, shall cease to have effect, nor shall the owner or occupant of any land therein mentioned be bound to make or maintain the front road of such land ;—but that part of any *procès-verbal*, which describes

Public Works made by Assessment.

describes the work to be done and its nature and quality, shall remain in full force, and be binding on the municipality; nor shall any power of the county or local council, or of any road officer, or any provision of this Act, be affected by such by-law, except only as by this section it is expressly provided;

5. The municipality shall make and maintain all roads, bridges and other public works within the same, and also those beyond the limits thereof, which, without such by-law, any of the owners or occupants of lands within the Municipality would have been bound to make or maintain, and shall perform all road work for which any such owner or occupant would otherwise have been liable :--And it shall be the duty of the Inspectors of roads, in their respective divisions, to see that the roads, bridges, and other public works, are made and maintained by the municipality, in the manner required by law and by the *procès-verbal* regulating the same, respectively, and to require the municipality so to make and maintain them, and to prosecute the municipality for any default so to do :

Municipality bound to maintain certain roads, &c., thereafter.

Duty of road officers.

6. The municipality shall also make or cause to be made, under the superintendence of the Inspectors, or any other officer they think proper to appoint, by any persons obliged by *procès-verbaux*, by-laws or otherwise, any other road in the municipality, whether it be a front road or a by-road or a street or other road, in conformity with the *procès-verbaux* or by-laws relating to such roads and with the law ;

And cause others to be made by the parties bound.

7. The municipality shall be liable for all damages arising to any party from the non-performance of any obligation imposed on it by this section ; and shall be liable to the same penalty for neglect or refusal to perform such obligation, or to comply with any of the requirements of this Act, as any private person would be in the like case ;

Municipality liable for damages arising from non-repair.

8. Any local council may make such by-laws and regulations as it deems necessary (not being inconsistent with any provision of this Act) for defining the manner in which the money, raised for road purposes, shall be expended and applied for the purpose of making and maintaining the roads which are to be made and maintained by the local municipality, and may enter into all contracts which they think necessary touching any work to be done to or upon the same ;

Local Council may regulate manner of applying money and labour.

9. Any such by-law may be repealed by another to come into force on the first day of January next after the time of its passing, and passed by a majority of two thirds of the members of the council ; and thenceforth all the provisions of any *procès-verbal*, by-law or order, or of this Act, which were suspended

By-law containing such order may be repealed;—

Effect of such repeal.

Public Works made by Assessment.

suspended while the repealed by-law was in force, shall again revive and have effect ;

Money may be raised by assessment for roads and bridges.

10. The council of every municipality, upon the petition of a majority of the persons interested, shall raise, by assessment, any sum of money required for making or maintaining any road, bridge or other work therein, and may apply the sum so raised to that purpose in such manner as they think proper, notwithstanding any thing to the contrary in any *procès-verbal* or by-law contained ;

Recital of case of persons who have contributed largely to roads and bridges.

11. But inasmuch as in the cases provided for by this section, it would be unjust to compel persons, who for several years have made and maintained front roads or bridges, on or through properties held by them, as owners or occupants, at their own expense, to contribute equally with other owners and occupants of land in the same municipality towards works of a similar description, the following provisions shall apply and have effect in all the municipalities in this section specially mentioned, and in all others by the Council whereof a By-law requiring such works to be made and maintained by assessment, as hereinbefore provided, shall hereafter be enacted, so long as such By-law shall be in force :

Any such person may file a certain statement.

12. Any person may at any time deposit, in the office of the secretary-treasurer of the Council of any local municipality, a statement under oath, showing the amount expended by him or by his predecessors (*auteurs*) in making and maintaining a front road or bridge, or front roads and bridges, in front of, or through, any property held by him or his predecessors, as owner or occupant thereof, during ten years next preceding the first day of January, one thousand eight hundred and sixty-one, in all municipalities specially mentioned in this section, or next before the first day of January next after the passing of any By-law in any other municipality, requiring all such works to be made in future by assessment ;

Account to be kept with such person.

13. The secretary-treasurer shall thereupon open an account between the Municipality and the person depositing such Statement in which he shall charge the Municipality with the amount mentioned therein, and shall credit such Municipality with all Assessments for roads and bridges, accruing upon the property therein specified, from time to time as they accrue, charging interest at the rate of six per centum per annum, from year to year, against the Municipality, upon the amount specified in such Statement and against the person depositing the Statement, upon all such Assessments from the day of their accrual, and the person filing such statement shall be exonerated from paying all such assessments in the Municipality until such account shall have been balanced ;

Roads through Indian Reserves—Colonization Roads.

14. Every person making any such statement under oath falsely, wilfully and corruptly, shall be guilty of perjury, and shall be liable to be punished accordingly.

False statement to be perjury.

ROADS THROUGH INDIAN RESERVES.

54. Whenever the Council of a County, in which any Indian Reserve is situate in Lower Canada, or the Council of any Local Municipality, surrounding or contiguous to any such Reserve, declares by Resolution that it is necessary that any land set apart for a public road by the original survey of such Indian Reserve, should be opened or kept open by such Municipality, such Council may, through their road officers, enter upon such road, and cause the same to be maintained :

Municipal Councils may cause such roads to be opened and maintained in Indian Reserves.

2. And whenever it is declared, by a Resolution of any such Council, that it is expedient to take any part of an Indian Reserve for the purpose of opening a new road, such Council may enter upon the same in the manner prescribed by this Act, and the price at which any such land is valued shall be paid to the Superintendent General of Indian Affairs, for the use of the Tribe of Indians for which such land is held in trust ;

Municipal Council may enter upon and take Indian Lands.

Compensation.

3. Any road in any Indian Reserve in Lower Canada, brought under the control of a Municipality by the preceding section, may be maintained by Statute Labour, to be performed by the Indians of such Reserve, according to a By-law or By-laws passed by any such Municipality, and approved by the Superintendent General of Indian Affairs.

Such Roads may be made by statute labour of Indians.

COLONIZATION ROADS.

55. The Commissioner of Crown Lands and every person employed by him in making roads and bridges by means of Legislative appropriations of public moneys, or partly by such appropriations and partly by private contributions, shall in respect of such works, have the same power and authority as every Inspector of Roads under this Act and all other Acts concerning municipal affairs, has or shall have in respect of roads made by municipal authority, and shall moreover have full power and authority to take from any lot through which any such road passes, all timber, fascines, stone, gravel, earth, sand and all other materials which may be required for the making of such roads or bridges, and to cut or cause to be cut down, all trees to the distance of thirty feet from the line of every such road on both sides thereof, without paying any compensation whatever.

Commissioner of Crown lands to have powers of an Inspector, &c.

Valuators and Valuation.

THIRD PART.

VALUATORS AND VALUATION.

Valuation of property to be made by the valuator;

56. The valuator shall make the valuation of all the real and other assessable property in the local municipality for which they have been appointed, according to its true and real value, within two months after the date of their appointment, including in the said valuation the value of the houses and other buildings erected on such property :

A majority of valuator may act.

2. A majority of the said valuator may make or complete the said valuation notwithstanding the absence of the other valuator ; and such valuation may be made either at one time or at several times, the proceedings had at each meeting being signed or attested by the valuator who shall have assisted thereat ;

As to lots being partly in one municipality and partly in another.

3. But when any lot occupied by a tenant or lessee is situated partly within the limits of any city corporation and partly within any village or parish municipality, the capital of the rent received by virtue of the said lease shall be deemed to be the value of the said lot during the existence of the said lease, and the amount of the assessment shall be paid to such city corporation and village or parish municipality in proportion to the extent of ground lying in their respective limits, notwithstanding any thing in this Act to the contrary ;

They may require assistance of the Secretary-Treasurer of municipality or employ a Clerk.

4. In making the valuation, the valuator may require the services of the secretary-treasurer of the council, or employ any clerk whom they may appoint ;—And every clerk so employed shall be entitled to receive for his services, on the certificate of two of the valuator, a sum not exceeding one dollar for every day during which he has been necessarily employed, and such remuneration shall be paid out of the general funds of the local municipality ;

Valuation-roll to be made ;

[Form B. B.]
And recorded.

5. A valuation-roll, setting forth such valuation, shall be drawn up and signed by the said valuator, or by such of them as have assisted in making the valuation, and shall be by them delivered to the mayor of the municipality within eight days from the making thereof ;—and every such valuation-roll shall remain of record in the office of the council of such municipality ;

What it shall contain.

6. The valuator shall specify in the valuation-roll, not only the names and designation of all owners, tenants or occupants of real or other assessable property, but shall also designate the real property,

Valuators and Valuation.

property, the proprietors of which are unknown, by the number and concession, or by the limits and boundaries, in case such real property has no number generally known, and instead of the name of the proprietor shall insert the word "unknown;"

7. And the said valuation shall, so soon as the valuation-roll is delivered to the mayor, be binding on all parties concerned, and be considered as the basis of any apportionment, assessment or collection which may from time to time be made, of any sum to be levied, or of the quantity and kind of materials to be furnished, in the municipality, under this Act; subject however to such amendments as may be made thereto in the manner hereinafter provided;

Its effect and use.

Subject to amendment.

8. Every railway company shall annually transmit to the secretary-treasurer of every local municipality in which any part of the road or other real property of the company is situate, a statement describing the value of all the real property of the company other than the roadway, and also the actual value of the land occupied by the road in such local municipality, according to the average value of land in the locality; the secretary-treasurer shall communicate the same to the valuator, and the valuator shall enter the same in their valuation roll as the valuation upon which the property of the company in such municipality shall be assessed;

Railway Companies to transmit annual statements of value of their real property to secretary-treasurer of the municipality.

9. Such statement shall be transmitted by every railway company to the secretary-treasurer of the municipality, during the month of March in each year, and in default thereof the valuator shall make the valuation of the properties belonging to the company;

When such statement shall be furnished.

10. If the valuator appointed by the council have not made the said valuation, and transmitted the valuation-roll to the mayor within two months from the date of their appointment, the secretary-treasurer of the local council shall inform the Governor, by letter addressed to the provincial secretary, of the failure of the said valuator in that respect, and the Governor shall thereupon appoint three other valutors;

Governor to appoint valutors if valuation-roll be not made within a certain time.

11. The valutors, so appointed by the Governor, shall make the said valuation in the same manner as the valutors who ought to have made the same in the first place, and shall exercise the same powers and authority, perform the same duties, and be subject to the same penalties in the event of any failure or neglect on their part;

They shall proceed as the first valutors ought to have done.

12. The valuation which the three last mentioned valutors, or the majority of them, shall make as aforesaid, shall be made at the expense of the former valutors who should have made the

Such valuation to be made at the cost of the valutors in default.

the

Valuation Roll.

the same; an allowance at the rate of three dollars shall accordingly be made to each of the said three last valuers, for each and every day during which he is employed in making the said valuation; the amount of the said allowance shall be determined and taxed by the mayor, whose certificate to that effect, stating the amount of the said allowance, shall be deemed an authentic document;

Taxing such costs.

Recovery of such cost.

13. Each valuator, so appointed by the Governor, shall have a right of action in any court of competent jurisdiction against the valuers who failed to make the valuation and transmit the valuation-roll as aforesaid, jointly and severally, for the recovery of the amount of the allowance so determined and taxed as aforesaid;

Owners of assessed property to pay assessments in proportion to its value.

14. The owners of assessable property, mentioned or described in the valuation-roll, shall respectively pay such sum or furnish such quantity and kind of materials, as they may be from time to time required to pay or furnish in proportion to the assessed value of such property, for their share of any apportionment or assessment authorized by this Act;

Assessments to be a special and preferable charge on the property and shall not require registration.

15. And whenever any such sum of money, quantity or kind of materials, so apportioned or assessed, the said sum of money, or the price of the said materials, shall, from the day of their being so apportioned or assessed, be a special charge on the real property so assessed, which shall not require to be registered in any registry office established for the registering of privileges and hypothecs, and shall have, nevertheless, a preference over all other charges, excepting debts due to the Crown;

Council may revise and amend the valuation-roll.

16. The council of the local municipality, in respect of which such valuation-roll was made, may, at any time within thirty days next after the day on which it was delivered to the mayor, amend the valuation therein made, in the cases hereinafter mentioned and in the manner hereinafter provided; and any such council may also in like manner amend the valuation-roll yearly, or in any year after that in which it was made;

How such amendments may be made.

17. If the council are of opinion that the valuation of any real property has been made under its true value so as to prejudice the owners of other property, or above its value so as to prejudice the owner thereof, then the said council may amend the valuation-roll by fixing such sum as they shall think just and reasonable, as the value of such property;

Entry thereof.

18. All such amendments shall be entered upon the said valuation-roll or on a paper annexed thereto; the date thereof shall

Valuation Roll.

shall be mentioned, and they shall be certified by the secretary-treasurer of the council ;—and every such valuation-roll, so amended, shall continue to be binding to all intents and purposes, but only as amended, and as such, only from the date of the certificate of the said amendments ;

To be binding as amended.

19. Before any council proceeds to the examination or revision of any such valuation-roll, the secretary-treasurer of such council shall give public notice to the inhabitants of the local municipality, of the day on which the council will commence such examination or revision ;

Notice to be given before revision.

[Form C. C.]

20. The secretary-treasurer shall, at all reasonable hours of the day, allow any person interested to take communication of the said copy of the valuation-roll ;

To be open to inspection.

21. The council, in proceeding as aforesaid, to the examination or revision of the said valuation-roll, shall hear the parties interested therein, as well as the valuers who have made the valuation, if required so to do ;

Parties to be heard.

22. If the period of thirty days, during which the said valuation-roll may be so amended, is allowed to elapse without the council amending the same, then the said valuation-roll shall remain in force as originally made by the valuers ;

Valuation roll-not amended within a certain period, to be binding.

23. It shall be the duty of the mayor to cause a true copy of such valuation roll, with such amendments as may have been made thereto by the council, to be delivered to the warden of the county, on or before the seventh day next after the expiration of the said thirty days ;

Copy to be delivered to Warden.

24. Every county council shall, at a special session to be holden for that purpose, at some period not later than the first day of June, in every year during which new valuation-rolls are made, examine the valuation-rolls of the different local municipalities in the county, and ascertain whether the valuation made in each bears a just relation to the valuation made in the others ;—And thereupon the county council shall increase or decrease the valuations of all assessable property in any one or more of such local municipalities by adding or deducting such sums upon the hundred as are in their opinion necessary to produce a just relation between all the valuations in the county ;—but no such council shall reduce the aggregate amount of the valuations made by the valuers in the whole county ;

County Council to examine the several local assessment-rolls, and amend them if they do not bear a just relation to each other.

Proviso.

25. A valuation-roll for every local municipality in Lower Canada shall be made triennially, reckoning from the present year one thousand eight hundred and sixty, notwithstanding that a valuation-roll

Valuation-rolls to be made triennially.

Assessment on Business and Professions.

valuation-roll may have been made in any local municipality within the period of three years immediately preceding the time so fixed for making such triennial valuation-roll.

ASSESSMENT OF BUSINESS OF MERCHANTS AND OTHER PERSONS, AND THE INCOMES OF PROFESSIONAL MEN.

Value of business of certain parties to be entered on the roll.

How calculated.

Municipal Councils may commute such assessments with certain parties,—or exempt such parties.

The same of practice of professional men and office holders.

Power to amend valuation-roll extended.

Public property or property used for public or charitable purposes ex-

57. Every merchant, manufacturer, trader and master artificer (*maitre ouvrier*,) carrying on his trade, business or calling in a local municipality, whether resident therein or not, and whether he does or does not possess therein any real property, shall, by reason of such trade, business or calling, be liable, for all the purposes of this Act, to assessment;—and the value of his business shall be estimated by the valuers of the municipality as a distinct property, according to the average annual profits thereof, based upon the proceeds of the next two preceding years :

2. Any Municipal Council may, at any time, by agreement with any person carrying on, or proposing to undertake, any mining or manufacturing business or operations in the municipality, commute all assessments on all property held, or to be held, by any such person for any such purpose, and on such business, for a fixed sum payable annually during a period of not more than ten years, and may also, in view of the encouragement of such business or operations, wholly exempt any such property and business from assessment during a period of not more than five years ;

3. Every judge or other civil functionary, and every advocate, notary, physician, surgeon, civil engineer, or surveyor, residing in a local municipality, and performing the duties of his office, or practising his profession therein, shall be liable to assessment in like manner ; the value of such office or practice shall also be estimated by the valuers, for the same purposes and in the same manner, as a distinct property ;

4. The power vested in the council of each local municipality to amend the valuation-roll thereof, shall extend to the revision and amendment of such valuation with reference to the assessment of the business of merchants and other persons and the incomes of professional men.

EXEMPTIONS.

58. All public buildings intended for the use of the civil government, for military purposes, for the purposes of education or religious worship, all property belonging to Her Majesty, or held in trust by any officer or person for the use of Her Majesty,

Exemptions from, and Collection of Assessments.

Majesty, all parsonage houses, burying grounds, charitable institutions, and hospitals duly incorporated and the lands upon which such buildings are erected, shall be exempt from all assessments or rates imposable under this Act :

empted from assessment.

2. All persons who, by reason of their poverty or the scantiness of their means, are in any year, by a by-law of the municipality in which they reside, declared exempt from the payment of the said assessments or rates imposed during and for the said year, shall be thereby exempted from the payment thereof.

Indigent persons.

COLLECTION OF ASSESSMENTS.

DUTIES OF SECRETARY-TREASURER AND OTHER OFFICERS IN RELATION THERETO.

59. All assessments imposed under this Act shall be due and payable not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the said property as owner, and by the tenant or lessee of such property ;—but the payment of such assessment by any such person shall discharge all others concerned :

Assessments to be payable either by owner, tenant or occupant.

2. In the event of the payment of any assessment by the tenant or lessee of any such property, he shall have a right of personal action against the owner of the property assessed, or the lessor, holder or occupier of the same as owner, as aforesaid, for the recovery, with interest and costs, of the amount of such assessment, or of the price or value thereof, paid or contributed by him ;

Recovery of payment by tenant paying against owner.

3. In such case, such tenant shall be fully substituted, without any formality whatsoever, in the rights and privileges of the municipality upon the property in question ;

He shall be subrogated to municipality.

4. The secretary-treasurer of the local council shall be the collector of all the assessments imposed within the limits of each local municipality and of all penalties imposed under this Act, except in any case in which the said assessments or penalties are required to be collected by any other officer or in any other manner ;

Secretary-treasurers to be collectors in their localities of assessments and penalties.

5. Every such secretary-treasurer, as assessment collector, may be sued by the mayor, in the name of the local municipality, or by the warden in the name of the county Municipality, as the case may require, before any court of competent jurisdiction, to compel him to render an account of the assessments levied by him ;

Secretary-Treasurers, &c., may be sued for accounts, &c.

Collection of Assessments.

Judgment in such cases.

6. The said secretary-treasurer shall in every such suit be condemned to pay to the municipality interested, the amount of the assessments in money, and the price and value of the assessments in materials then due, unless he shews, to the satisfaction of the court, proof of sufficient diligence having been used by him for recovering the said assessments ;

If he renders an account .

7. And if he renders an account of such assessments, he shall be condemned to pay such sum as he acknowledges or as is declared to be in his hands, and such further sums as he ought to have received, or as the court thinks he ought to be held accountable for, for want of proof of sufficient diligence on his part for the recovery thereof ;

Interest to be recovered at 12 per cent.

8. Every judgment pronounced in any such action shall include interest at twelve per cent on the amount thereof, by way of damages, together with costs of suit ; and in every such action a certified copy of the collection-roll of the division shall, to all intents and purposes, be *prima facie* evidence against the said secretary-treasurer ;

Evidence.

Secretary-treasurer to make general collection-roll.

[Form D. D.]

It shall shew the amount payable by such person.

9. The secretary-treasurer of every local council shall, on or before the fifteenth day of May in each year, make out the general collection-roll for the municipality, and set down therein the name of each person assessed, whose name appears on the valuation-roll, the value of the real property of each such person, as specified in such valuation-roll, and the amount of personal property for which such person is assessable ; and he shall also calculate and set down the various assessments payable by such person under any by-law or otherwise, and the total amount with which each person is chargeable ;

As to years when a new valuation is made.

10. But in any year when a new valuation-roll is to be made, and such roll is not finally revised and homologated at least fifteen days before the said fifteenth day of May, the delay for completing the general collection-roll shall be extended to a period of fifteen days next after the date of such final revision or homologation, and any local council may, by resolution, order the secretary-treasurer to make the general collection-roll at any convenient period other than that mentioned in this section ;

Special collection-rolls in certain cases.

11. Whenever any special rate is imposed in the same year after the said fifteenth day of May, or after the day appointed for making the general collection-roll, he shall make out a special collection-roll in the manner prescribed by the next preceding section ;

Collection of Assessments.

12. The secretary-treasurer, upon completing his collection-roll, shall proceed to collect the assessments therein mentioned, and for that purpose shall, on the next following Sunday, give or cause to be given public notice that the collection-roll is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, are required to pay the amount thereof to him at his office within twenty days of the publication of such notice ;

Collection and general notice to rate-payers.
[Form E. E.]

13. If at the expiration of the said twenty days any assessment remains unpaid, the secretary-treasurer shall leave at the usual place of residence or domicile of such person in arrear, or with him personally, a statement in detail of the various sums and the total amount of assessments due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the assessments therein mentioned, together with the costs of the service of such notice according to such tariff as the council has established ;

Special notice to rate-payers in default.
[Form F. F.]
Costs of such notice.

14. The provisions of the next sub-section shall not apply to persons residing without the limits of the municipality ; the said persons shall be bound to pay their assessments within thirty days after the public notice mentioned in this section, without it being necessary that any demand should be made upon them either personally or at their domicile ;

Preceding paragraph not to apply to non-residents.

15. If any person, residing in the municipality, neglects to pay the amount of assessments imposed upon him, for the space of fifteen days after such demand made as aforesaid, the secretary-treasurer shall levy the same with costs, by warrant under the hand of the mayor of the municipality authorizing the seizure and sale of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same can be found within the local municipality ; and no Mayor shall incur any personal liability by signing any such warrant, but the municipality alone shall be responsible ; and no claim of property, or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments and costs out of the proceeds thereof ;

In case of default by residents for 15 days assessments to be levied by seizure and sale.
[Form G. G.]

16. If the goods and chattels seized are sold for more than the whole amount of assessments levied for, and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made ;—but if any claim for such surplus is previously made by any other person, by reason of any

Surplus of proceeds under distress to be returned to owner.

Collection of Assessments.

alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments the seizure was made, such surplus shall be paid to such claimant;—and if such claim be contested, the surplus money shall be retained by the secretary-treasurer, until the respective rights of the parties be determined by a competent tribunal ;

As to claim to the same by contesting parties.

Notice of sale. 17. The secretary-treasurer shall give public notice of the day and place of sale, and of the name of the person whose goods and chattels are to be sold ;

[Form H. H.]

When sums are to be raised for county purposes, Council to fix the sum to be raised in each locality. 18. In every case in which any sum is to be levied for county purposes, the county council shall, by by-law, direct what portions of such sum shall be levied in each local municipality;—and it shall be the duty of the secretary-treasurer of the county council, before the first day of May in each and every year, or at such other time as may be fixed by a resolution of the said council to that effect, to certify to the secretary-treasurer of each local municipality, the total amount which has been so directed to be levied therein in the then current year for county purposes;—And for the guidance of such county council, the secretary-treasurer of every local municipality therein shall, immediately after the final revision of the valuation-roll for the same, transmit to the secretary-treasurer of the county council, a statement of the aggregate value of all real property and of all assessable personal property appearing on such rolls as finally revised ;

[Form I. I.]

To be guided by collection-rolls.

[Form J. J.]

Return of doings on collection-rolls to secretary-treasurer of county; paying over moneys to him. 19. On or before the fifteenth day of November in each year, the secretary-treasurer of each local municipality shall prepare a statement of all the assessments remaining due on the collection-rolls for the twelve preceding months, and of all the arrears due to the municipality, with the particulars thereof, including the amount of, or balance due, on all judgments pronounced against any of the inhabitants or owners of land, and other persons within the municipality, for contributions or penalties due or incurred under this Act, and in such statement he shall shew opposite to each separate debt, the reasons why he could not collect the same, by inserting the words “ non resident ” or “ no personal property to seize,” as the fact is, and a designation of the lots or parcels of land in respect of which such assessments or other debts are due, and he shall transmit a copy of such statement, duly certified, to the secretary-treasurer of the county ;

Certain particulars to be shewn in each return.

School rates, &c., may be inserted in Secretary-

20. The secretary-treasurer shall insert in the statement annually prepared by him, all the other assessments, taxes and debts claimed either by the school commissioners, or by the Inspectors

Collection of Assessments—Assessments for County purposes.

Inspectors of water-courses, fences and ditches, or by any other person who has lawfully expended moneys for the payment of any such assessment, taxes or debts, or who has lawfully caused work to be performed for others on any lot described in the said statement :

treasurer's statement, and collected as taxes.

21. And on or before the first day of December in each year, the secretary-treasurer of the county council shall prepare a list of all lands in the county municipality upon which any assessments or other dues remain unpaid, stating opposite the lots or parcels of land respectively, the amounts due,—and shall cause to be inserted at least three times during the said month of December, in the *Canada Gazette*, and in at least one newspaper published within the district, (or in the adjoining district if there be none published therein), a notice in the English and French languages, containing a list of all lots or parcels of land respectively, on which any such assessments or other dues remain unpaid, shewing opposite or after the number or description thereof, the amount to be raised for the discharge of such assessments or other dues, including all costs and expenses, and announcing that all such lots or parcels of land will be sold on the first Monday of the month of February then next ensuing, at the place where the sittings of the county council are then held, for the payment of such assessments and other dues ; and he shall also give public notice of every such sale in the manner provided by this Act :

Secretary-treasurer of county to prepare list of lands on which taxes &c., are not paid.

[Form K. K.]

Notice to be published containing certain particulars.

Further notice of sale.

22. Every such notice shall specify the place, day and hour at which such sale will commence ; each lot or parcel of land, if the same be situate in a township, shall be designated therein by its range and number, and if it be within the limits of a fief or seigniority, by its metes and boundaries ; or by its number in the plan and book of reference for registration purposes, if any there then be :

Notice to specify place and time of sale, description of land, &c.

23. All the lots thus for sale in the municipality may be included in the same statement and in the same notice ;

One notice may include all lots.

24. Every secretary-treasurer of a local council may, under the authority of such council, and at the expense of the municipality, employ one or more persons to assist him as collector of assessments and of other debts due to the municipality, but he shall be responsible for the acts and omissions of all persons so employed.

Secretary-treasurer of locality may employ assistants.

SPECIAL PROVISIONS AS TO ASSESSMENTS FOR COUNTY PURPOSES.

60. In any county municipality in which land has been offered for the building of a county court house, and accepted by

County By-law fixing sum to be paid by

Assessments for County purposes.—Sales of Property.

each locality to be definitive, &c.

by the governor as the site thereof, and in which the council has by by-law ordered and directed the building of such court house on the said site, and has apportioned the sum payable by each local municipality for such purpose, such by-law shall be definitive, and the assessment so imposed shall, be obligatory upon such local municipality, and thenceforward the sum therein mentioned shall be a debt of such local municipality :

Copy to be transmitted to each local Secretary-Treasurer.

2. The secretary-treasurer of the county municipality, shall, immediately after the passing of any such by-law by such county municipality, transmit a copy thereof to the secretary-treasurer of each local municipality affected thereby, and the secretary-treasurer of such local municipality shall, within two months after the day on which he receives the same, prepare a special collection-roll or assessment-roll, as the case may be, based upon the valuation-roll for such local municipality, and he shall, in the usual manner, calculate and insert the several assessments payable by each contributor, and the total amount due by each person in such local municipality ;

Duty of the latter.

He shall collect the required sum.

3. The secretary-treasurer of any local municipality affected by such by-law of a county municipality, after he has prepared the said collection-roll in the manner aforesaid, shall be the collector of the same, and it shall be his duty to raise the amount of the assessment so imposed, in the manner provided by this Act ; and such secretary-treasurer shall render an account to the county municipality of the collection of such moneys in the manner and under the penalties and suits provided by this Act ;

And account to the county.

This section to apply to all county assessments.

4. The provisions of this section shall apply to all assessments imposed by county municipalities upon any local municipality, in matters relating to county interests, or for the purpose of making provision for any county works.

SALES OF PROPERTY.

Sales to be by public auction.

No duty, &c.

61. All lands, goods and chattels, to be sold under the authority of this Act for the payment of taxes or other dues, shall be offered to public competition ; but such lands, goods or chattels so publicly sold, shall be exempt from auction duty, and need not be sold by a licensed auctioneer ;

Mode of sale.

In sales of real property so much only to be sold as will

2. At the place, day and hour appointed for the sale of lands, the secretary-treasurer of the county council shall make known the amount of the sum to be raised as aforesaid upon each such property, to which amount he shall add the just proportion of the

the

Sales of Property for Taxes.

the costs and expenses to be borne by each such property ; pay taxes and costs.
 the person who then and there offers to pay to the secretary-treasurer the amount of the said sum thus to be raised, with costs and expenses, for the smallest part, quantity or portion of the said property, shall be considered the purchaser, and such said part, quantity or portion of the said property shall be adjudged to him by the secretary-treasurer, who shall sell such portion of the property as appears to him best for the interest of the proprietor thereof ; What part shall be sold first.

3. If any purchaser fails to pay on the day of sale the amount of his purchase, the secretary-treasurer shall adjourn the sale to any day not more than eight days distant, by giving all persons present notice of such adjourned sale, in an audible and intelligible voice ; and on the day of such adjourned sale the secretary-treasurer shall again put up the said property for sale, and shall sell the same, or any portion thereof, unless the first purchaser has in the meantime paid the full amount of assessments and charges due thereon ; If the purchaser fails to pay, another sale to be had in 8 days.

4. On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate under his signature to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such lot or parcel of land ; Certificate to purchaser.

5. No such purchaser of any lot of land shall carry away any timber therefrom during the first year he is in possession thereof ; and it shall be the duty of the former proprietor, before he can recover possession of his lot of land so sold, in addition to what he is bound to pay, to repay to the said purchaser all the taxes and the value of all public or vicinal work which he has paid or performed during the time the land was in his possession ; Purchaser not to carry away timber during his first year.

6. If, within two years from the day of such sale, the original owner of the lot, or any one on his behalf, pays to the secretary-treasurer the amount levied, together with twenty per cent. in addition to the same, then he shall be entitled to recover possession of the lot or parcel of land so sold, and the secretary-treasurer shall on demand pay to the purchaser thereof, his heirs, assigns or representatives, the amount so received by him, after deducting therefrom two and a half per cent. as his own fees ; and thereupon (subject to the condition in the next following sub-section) the right acquired by the purchaser in the land shall thenceforth wholly cease and determine ; Owner may redeem within two years, paying price and 20 per cent. more.

Sales of Property for Taxes.

Any person may redeem for the owner.

7. Any person may redeem any such lot or parcel of land so sold, whether thereto authorized or not by the original proprietor, but for and in the name of such proprietor only ;

Special receipt in such case.

8. Whenever any such redemption is effected by a person not specially authorized, the secretary-treasurer shall mention in the receipt given by him for the redemption money, the name and designation of the person paying the same ;

To be in duplicate, &c.

9. Every such receipt shall be made in duplicate ; one duplicate shall be delivered to the person paying the redemption money, and the other shall remain of record in the office of the secretary-treasurer ;

When registered to carry privileged hypothec.

10. Every such receipt or a copy thereof, certified by the secretary-treasurer, shall be proof of the payment mentioned therein, and when registered in the proper Registry office, shall secure to the person therein mentioned, his heirs or assigns, a privilege and hypothec (*hypothèque*) over and prior to all other claims upon the lot or parcel of land so sold, except *cens et rentes*, or *rentes constituées* representing *cens et rentes*, as provided by the Seignorial Act of 1854, and by the Acts amending the same, for reimbursement of the sum therein mentioned, with interest at the rate of eight per centum per annum to be reckoned from the date of such receipt ;

If the land be not redeemed, deed of sale to be given to purchaser : its effect.

11. If, at the expiration of two years from the time of such adjudication, the land so adjudged is not redeemed as aforesaid, then the secretary-treasurer, on demand by the purchaser, his heirs, assigns or representatives, and upon payment of the arrears of any other assessments which, in the meantime, have become due thereon, shall execute a deed of sale in due form, conveying, in the name of the county municipality, the property so adjudged to such purchaser, his heirs, assigns or legal representatives ;

Deed of sale to be a legal conveyance.

12. Such deed of sale shall be a legal conveyance of the said land, and shall not only transfer to the purchaser all rights of property which the original holder had therein, but shall also purge and disencumber such land from all privileges and hypothecs due thereon ; except the right to *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Seignorial Act of 1854, and by the Acts amending the same ;

Exception.

As to lands sold before issue of patent for them.

13. But whenever any lot of land situate in any Township is sold before the issuing of Letters Patent from the Crown granting the same, such sale shall in no wise affect the rights of Her Majesty in such land, but shall solely have the effect of transferring to the purchaser such rights of pre-emption of other

Sales of Property for Taxes.

other claims, as the holder of such land or any other person had acquired in respect of the same ;

14. Any such deed of sale of land held in free and common socage, may be made, sealed and delivered before two witnesses, or made and executed before one notary and two witnesses, or before two notaries ;

Form of deed of socage lands sold by a municipality.

15. Every deed of sale of a lot or parcel of land sold under the provisions of this Act, or of the municipal laws in force prior to one thousand eight hundred and fifty-five, which, during the interval between the sale thereof and the execution of such deed, has been detached from one county and attached to another, shall be executed by the secretary-treasurer of the council of the county in which such lot or parcel of land lies at the time when the purchaser becomes entitled to receive such deed, and exhibits to such secretary-treasurer the certificate specifying the particulars of his purchase.

Case where lands have been sold, and the locality in which they lie is detached from the county before deed.

Penalties.

FOURTH PART.

PENALTIES.

Penalty on persons elected or appointed to office and not accepting.

62. Every person who, being elected or appointed to any of the offices mentioned in the following list, and not being exempted by law and claiming such exemption, refuses or neglects to accept such office, or to perform the duties thereof during any portion of the period for which he was so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

The office of Warden of a county, forty dollars ;

The office of Mayor of a local municipality, thirty dollars ;

The office of Councillor of any municipal council, twenty dollars ;

On valuator failing to perform certain duties.

2. Whenever the valuator of a local municipality neglect to make the valuation which they are required to make under this Act,—or neglect to draw up, sign and deliver the valuation-roll containing such valuation to the secretary-treasurer of the local council, within two months from the date of their appointment,—every such valuator shall incur a penalty of two dollars, for each day which elapses between the expiration of the said period of two months, and the day upon which such valuator's roll is so delivered, or upon which their successors in office are appointed ;

On members of any Council, Justice of the Peace, &c., failing to perform any duty.

3. Every member of any municipal council, every officer appointed by such council, every justice of the peace, and every other person, who refuses or neglects to do any act, or perform any duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars and not less than four dollars ;

Penalty in case of failure by person appointed by Registrar to preside at a meeting.

4. Any person appointed by the Registrar under this Act to preside at a public meeting of the inhabitants of any local municipality, who refuses or neglects to be present at such meeting, or to preside thereat, or to do any act or thing required by law to be done by him in consequence of such appointment, or who is guilty of any misfeasance, malfeasance or nonfeasance, in the official capacity conferred on him by such appointment, shall incur a penalty of forty dollars ;

Penalties.

5. Every person who votes at any election of municipal councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty of twenty dollars ;

Unqualified persons voting.

6. Every Inspector of roads who refuses or neglects to perform any duty assigned to him by this Act, or to obey any lawful order of any municipal council or special superintendent, shall, for each day on which such offence is committed or continues, incur a penalty of not more than five and not less than two dollars, unless some other and heavier penalty is by law imposed on him for such offence ;

On Inspectors of roads failing to perform their duty.

7. Every person who refuses or neglects to obey any lawful order of any Special Superintendent, Inspector of Roads, or other Municipal Officer, relating to any thing done or to be done under the authority of this Act, shall incur a penalty of not more than five and not less than two dollars for every such offence ;

On persons disobeying lawful orders of municipal officers.

8. Every person who places *balises* on a public summer road after an Inspector of Roads has determined that the winter road shall be made to deviate from the line of such summer road, and run through any field or enclosed ground, shall incur a penalty of eight dollars ;

Placing *balises* in certain cases.

9. Any person bound to make or repair any front road, who neglects to make and repair the same in the manner required by the *procès-verbal* regulating it, or by this or any other Act, shall incur a penalty of twelve dollars, whether notified to make or repair such road or not ; and if he neglects to make or repair any such road after having been notified to do so by the Inspector of Roads or any other Municipal Officer, he shall incur a penalty of not more than four dollars nor less than one dollar, for each day on which it remains unmade or out of repair after such notification ;

On persons neglecting to repair front roads.

10. Every penalty mentioned in the last sub-section shall be paid to the Inspector for the division, and applied to the same purpose for which the labour for the due performance of which it was incurred would have been applicable ;—and the payment of the penalty shall be set off in favor of the offender against the road labour for which he is liable, at the rate of one day's labour for each dollar of the penalty paid ;

Such penalty to be paid to the Inspector.

11. The penalty may be paid to the Inspector before any suit for it is commenced, and in that case it shall be payable without costs ;

May be paid without suit.

Penalties.

Creating obstructions on highways, &c.

12. Every person who makes, or creates or causes any obstruction or nuisance in or upon any highway, ferry or ford, shall thereby incur a penalty of not more than ten, nor less than two dollars, and an additional penalty of not more than two dollars and not less than one dollar, for every day during which the same continues, over and above all costs, expenses and damages recoverable in the manner herebefore provided ;

Ferrying without license.

13. Every person who shall act as a ferryman at any ferry under the control of any municipal council, without a license from such council or from the Governor, or beyond the limits assigned to him by such license, shall incur a penalty of four dollars, for each person or thing so ferried over by him ;

On persons hindering the execution of this Act.

14. Every person who hinders or prevents or attempts to hinder or prevent any municipal officer in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, shall incur a penalty of twenty dollars for every such offence, over and above any damages for which he is liable ;

On persons wilfully tearing down notices, &c.

15. Every person who wilfully tears down, injures or defaces any advertisement, notice, or other document, required by this Act to be posted up at any public place for the information of persons interested, shall incur a penalty of eight dollars for every such offence ;

Fast driving over bridges : defacing bridges, posts, &c.

16. Every person who shall drive at any pace faster than a walk over any bridge exceeding twenty feet in length, unless such bridge is wholly of brick or stone ; and every person who shall cut, deface or injure any part of any bridge, rail or post, or any mile stone or mile post, or any inscription thereon, or any work or thing forming part of, or serving to the use of any road, or any trees lawfully planted on any side-walk, or shall in any way obstruct or render inconvenient or dangerous the use of any road, shall incur a penalty of not more than five dollars, nor less than two dollars ;

Punishment of persons resisting officers of a Municipal Council, &c.

17. Every person who refuses permission to enter his house to any officer authorized by the council of any municipality to seize and sell the goods and chattels of such person, is guilty of *rebellion à justice*, and shall be punished therefor by the mayor or justice of the peace who signed the warrant, by imprisonment for any period not exceeding one calendar month, and such mayor or justice of the peace may moreover give an order to cause the doors to be opened, entrance through which has been refused, and the officer charged with such order may by virtue thereof cause any such doors to

Recovery of Penalties, Taxes, &c.

to be opened in the presence of one or more witnesses, and may for that purpose avail himself of the assistance of such persons as he deems advisable, at the cost of the person who refused such entrance, which said costs, the said officer shall levy by virtue of the same warrant.

RECOVERY OF PENALTIES, TAXES, &c.

63. All penalties imposed by this Act or by any by-law lawfully made under it, shall be recoverable before the circuit court in and for the County or the Circuit Court of the District, in which the local municipality or the major part thereof is situated, or before any justice of the peace sitting in the municipality or in any adjoining municipality ;—All the fines and penalties incurred by any one person may be included in the same suit ;—and the costs in any such suit, before a justice of the peace, shall be taxed according to the tariff of the court of commissioners for the trial of small causes ;

How penalties shall be recoverable.

2. Every judgment rendered in any such suit shall be so rendered with costs, and execution may issue thereon at the expiration of eight days from the date of the judgment ;

Costs and execution.

3. The secretary-treasurer of the local municipality in which such suit is brought, shall *ex officio* be clerk to the justice of the peace, in such suit, unless the justice appoints another clerk under the next following paragraph, and shall keep, in a faithful and correct manner, a separate register in which he shall enter the judgments of the justices of the peace in all such suits ;—and the summons and every other proceeding relating to such suit shall remain of record in his office ;

Secretary-treasurer of local municipality to be Clerk of such Justice.

4. Any justice of the peace may appoint his own clerk in any such suit, but every clerk so appointed shall, within three days after the date of the judgment rendered in any such suit, transmit to the secretary-treasurer of the local municipality a duly certified copy of the proceedings therein ;—and every such clerk shall be deemed to be a municipal officer in so far as relates to the duties imposed upon him by this Act ;

Justice of the Peace may appoint his own Clerk.

5. On the day of the return of the summons, and at every other stage of the proceedings thereon, the justice of the peace who signed the summons shall have the right to sit in the case, in preference to, and to the exclusion of, any other justice of the peace present ;

Right of Justice issuing the summons to sit in preference to others.

6. There shall be an interval of at least three clear days between the day of the service of the summons and the day of the return thereof ;

Delay between service and summons.

Recovery of Penalties, &c.—Suits, &c.

Evidence.

7. Every such suit shall be decided upon the oath of any municipal councillor, or of any inspector or other municipal officer, or of any other credible witness ;

Limitation of suit for penalties.

Application of penalties.

8. Every suit brought for the recovery of penalties under this Act must be commenced within six months of the day on which such penalty was incurred ; and all penalties, paid either before or after such suit as aforesaid, shall belong, one half to the municipality with reference to which, or to the infraction of the by-laws of which, such suit is brought, and the other half to the prosecutor, unless such suit is instituted by the order of any municipal council or by any of its officers, in which case the whole of the penalty shall belong to such municipality.

SUITS UNDER THIS ACT, AND DECLARATORY, TEMPORARY AND SPECIAL PROVISIONS.

Who may prosecute under this Act.

64. Every person of the age of twenty-one years and shall have a right to institute any prosecution authorized by the provisions of this Act :

Municipalities may be sued for neglect of duty.

2. Every municipality may be sued for any neglect in making or maintaining roads, bridges or other public works as required by this Act, or any other Act concerning municipal affairs, saving any legal recourse it may have against its officers, and all other persons ;

Recital : as to recovery of value of road work done in default of owner, &c.,

3. And whereas doubts have arisen as to whether the value of any work required by law from any owner of land, under the provisions of the said Lower Canada Municipal and Road Act of 1855, and performed by any Inspector or Overseer of roads, in default of the person bound to perform the same, might be collected as taxes due to the municipality, without a suit being previously brought for the recovery thereof, and generally as to proceedings which may be adopted against persons liable to make and maintain front roads ; it is hereby declared and enacted :

Lot cannot be sold for such work, unless owner, &c., was specially notified, or judgment obtained against him.

4. That, according to the true intent and meaning of the said Act, of the Acts amending the same, and of this Act, no lot, in respect of which any such work was or shall be so performed, or materials furnished, as aforesaid, could, or can hereafter, be legally sold for the recovery of the value of any such work or materials, unless the person bound to perform or furnish the same had, or shall have been, specially notified and required to perform such work or furnish such materials, or unless judgment had or shall have been obtained against him for the amount of such value ; and no person bound to make

or

Declaratory Provisions.

or repair any front road was or shall be liable to any suit or action in respect of the making or maintaining of such front roads, except for the penalties imposed by the fifty-eighth section of the said Lower Canada Municipal and Road Act, and no part of the property of any such person was or shall be liable to seizure or sale on account of his default to make or maintain any such road, unless he had, or shall have, been specially notified and required by an Inspector or Overseer of Roads, or some other Municipal Officer, to perform such work and furnish such materials ;

No owner liable to any suit (except for penalties) for front road work unless he was specially notified.

5. But in every case in which any Municipality has at its own expense caused any work to be performed or materials to be furnished for the making or maintaining of any front or other road, in default of its being made or maintained by the owner of any land in the Municipality residing without its limits, and bound to make or maintain the same, no sale of such land, as for taxes, due the Municipality, is or shall be held void by reason of no previous notice having been given to such owner ;

But sales heretofore made not void in certain cases.

6. No Election of Councillors nor any proceedings connected with such election, no By-law, resolution, *procès-verbal*, *acte of répartition*, contract, or any other Act or document whatever, performed or executed by a Municipal Council or by a Municipal Officer, Notary or other person, shall be considered null or annulable, solely for any error in the designation or corporate name of the Municipality ; and no document of any kind shall be considered null or annulable, solely by reason of an error in the designation or title of such document ;

Elections and proceedings not void for error in designating the municipality.

7. And whereas the local councils of certain territories erected into townships and also wholly or partly into parishes, and which, under the thirty-third section of the said Lower Canada Municipal and Road Act of 1855, respectively form municipalities by the name of the corporation of such townships, or parts of townships, have by error passed by-laws under the name of the corporation of such parish,—no by-law heretofore passed by any such local council shall be null by reason of such erroneous designation therein assumed, but on the contrary every such by-law shall be judged of in respect of its validity, and shall be interpreted and acted on in all other respects, as though it had been passed in the name of such township or part of a township, and not of such parish ;

Recital.

By-laws not null by reason of erroneous designation of municipality.

8. And whereas doubts have arisen as to the mode of proceeding which should be adopted by any person whose property has been illegally sold for taxes under the provisions of the said Lower Canada Municipal and Road Act of 1855, and the

Recital.

Acts

Declaratory Provisions.

As to proceedings for dispossessing purchaser of lands illegally sold for taxes.

Acts amending the same, it is declared and enacted, that no purchaser of land was, or is, under the said Acts, or shall be under this Act, liable to be dispossessed of the same, until after judgment of a competent tribunal is or shall have been pronounced against the Municipality the secretary-treasurer of which received, or was entitled to receive the purchase money, or ordering such Municipality to repay the same, either with or without damages, or declaring the sale so made null and void ;

Persons doing lawful road work for others may recover the value.

9. Any person who, on the requisition or with the sanction of any municipal authority, road officer, or court of justice, has or shall have performed or paid for the performance of any public work required by law to be done in any municipality, has and shall have a right to recover from the person or persons bound by law to perform such work or from the municipality, before any court having competent jurisdiction, the value of such work with interest at the rate of six per centum from the time of completing such work or of paying for the same ;

Municipalities may sue in any Court.

10. Any municipality may sue for the recovery of any debt due to it before any court of competent jurisdiction ;

Electors not disqualified as witnesses.

11. In any case in which the rights of any municipal corporation are involved, no witness shall be inadmissible from the fact of his being an elector entitled to vote in such municipal corporation ;

Provisions in consequence of abolition of overseers.

12. The office of overseer having been abolished by this Act, every local Council shall, before the first day of January, one thousand eight hundred and sixty-one, make a new division of the Municipality into as many Inspectors divisions as they may deem expedient ; and so soon as such new division is made, the Council shall name as many Inspectors as may be required for all such divisions, but the Inspectors so named shall remain in office only until the next general election of Councillors, and thereafter, until their successors are installed into office ;

Chief officers may sign documents they have omitted to sign.

13. Any Chief Officer of any Municipal Council, who may have neglected to sign any document which by law he should have signed, may at any time before the first day of January, one thousand eight hundred and sixty-one, sign such document, which, until it is so signed and thenceforward, shall be as valid and effectual as if it had been signed by such Chief Officer at the time of its execution ; Provided that, at such last mentioned time, the signature of some other Municipal Officer bound to sign the same was duly affixed thereto ;

Proviso.

Works begun by statute la-

14. Notwithstanding any provision in this Act, any Public Work begun wholly or partially by means of statute labour shall

Declaratory and Special Provisions.—Appeals.

shall be continued and completed in the same manner;—but every *procès-verbal* relating to any works not yet begun, shall be altered without delay, by the proper Council, in such manner as to meet the changes effected by the provisions of this Act abolishing statute labour elsewhere than in Indian Reservations.

hour may be completed.

But *procès-verbal*, &c., may be altered for the future.

EXECUTION OF JUDGMENTS AGAINST MUNICIPALITIES.

65. Whenever a duly certified copy of a Judgment rendered against any Municipality is served upon the Secretary-Treasurer, he shall pay the amount thereof out of any funds then being at the disposal of the Municipality :

Secretary-treasurer to pay.

2. If there be no such funds, the Secretary-Treasurer shall forthwith call a special meeting of the Council at which such Council shall levy an assessment upon all the assessable owners and occupants of lands and other assessable persons, in the Municipality, sufficient to pay the amount of such judgment with interest and costs of suit, together with the costs of levying such assessment; If, after the expiration of two months from the time of the service of such copy of judgment, the amount thereof, or any balance thereon, remains unsatisfied, the person in whose favor it was rendered may serve a copy thereof duly certified upon the Sheriff of the District in which such Municipality is situate enjoining him to pay the amount or balance thereof ;

If he has no funds, Council to levy assessment.

In default Sheriff to act.

3. Immediately upon receipt of any such copy of Judgment, the Sheriff shall proceed to levy a tax upon all the assessable owners and occupants of lands and other assessable persons, in the Municipality, sufficient to satisfy such judgment with interest and costs, or the balance thereof, together with his disbursements and five *per centum* in addition for his own fees and emoluments

Sheriff to levy a tax.

4. And for the purpose of levying such assessment, every such Sheriff shall have free access at all reasonable hours, to all registers, valuation rolls, collection rolls, and other documents deposited in the office of the Secretary-Treasurer, and shall have full power and authority to command the assistance of all Road Inspectors and other Municipal Officers, in the execution of his duty in that behalf.

Rights of Sheriff for such purpose.

APPEALS

FROM LOCAL TO COUNTY COUNCILS.

66. Whenever a majority of the persons interested, if they be less than ten in number, and whenever any number not less than

Special Session of County

than

Appeals to County Councils.

Council to revise By-law, &c., appealed from.

than five, of the assessable inhabitants of a local municipality, do, within fifteen days after the homologation of any valuation-roll or *procès-verbal*,—or after the expiration of the period within which such valuation-roll or *procès-verbal* is allowed to be revised and homologated by a local council,—or within fifteen days after the first publication of any by-law passed by the council of such local municipality, file in the office of any county council, a petition in appeal, praying for the revision or amendment of such valuation-roll or *procès-verbal*, or for the amendment or disallowance of such by-law, and setting forth the grounds or reasons for which such revision, amendment or disallowance is prayed for, the warden of the county shall convene a special session of the county council, and give public notice of such special session; and every such special session shall be held within twenty days from the date of the filing of such petition:

Decision of County Council, and its effect.

2. The county council at any such special session shall, after hearing the petitioners and the mayor, councillors or clerk of the local council, or any of such parties who require to be heard,—homologate without amendment, or amend and homologate as so amended, such *procès-verbal* or valuation-roll,—and shall confirm, amend or disallow such by-law as they deem expedient; And every *procès-verbal*, valuation-roll or by-law so amended, shall come into force as so amended from the day of the date of such amendment, and every by-law so disallowed shall become null and void to all intents and purposes, as if the same had never been passed;

Adjournment *sine die* without decision to operate confirmation.

3. But whenever any such county council closes such special session, or adjourns the same *sine die*, or for any period beyond ten days from the first day thereof, without having decided upon the merits of the petition in appeal, the *procès-verbal*, valuation-roll or by-law, to which such petition relates, shall be considered as having been homologated by such council;

Publication of amended By-law.

4. Every by-law of a local council, when amended by the county council, shall be published as so amended in the manner hereinbefore provided, and every judgment of a county council disallowing any by-law passed by a local council shall be published in like manner;

County Council not to disallow or amend a By-law of a town or village, &c.

5. No county council shall disallow or amend any by-law passed by the council of a town or village municipality;—not shall the mayor of any town or village municipality vote or take any part in the proceedings before a county council on appeals from other local councils;

Appeals to County Councils and Circuit Courts.

6. No mayor of a local municipality shall sit or vote at any special session of the county council for hearing or deciding upon any petition of appeal praying for the revision or amendment of any valuation-roll or *procès-verbal*, or for the amendment or disallowance of any by-law in the matter of which he has any direct personal interest ;—and the county council shall decide whether such Mayor has or has not such direct personal interest ; but such mayor shall not have a right to vote on the question of his having or not having such interest ;

Mayors not to sit in a County Council in appeals in which they are personally interested.

7. Whenever two parishes jointly interested in the opening of a new road, the maintenance or improvement of an old road, or the making or maintenance of fences or ditches, cannot agree together as to the division of the work to be done, the matter shall be referred to the council of the county in which such two parishes are situate, which shall, by by-law, regulate all matters of difference relative to the opening or maintenance or improvement of such road, or the making or improvement of such fences and ditches, and shall order and prescribe the work to be done and the portion to be done by each Parish ;—and these powers shall belong to such county council, in addition to the other powers conferred by this Act ;

When two parishes jointly interested as to road cannot agree, County Council to decide.

8. Every county council shall, at a special session to be holden for that purpose, at some period not later than the first day of June, in every year during which new valuation-rolls are made, examine the valuation-rolls of the different local municipalities in the county, and ascertain whether the valuation made in each bears a just relation to the valuation made in the others ;—And thereupon the county council may increase or decrease the valuations of all assessable property in any one or more of such local municipalities by adding or deducting such sums upon the hundred as are in their opinion necessary to produce a just relation between all the valuations in the county ;—but no such council shall reduce the aggregate amount of the valuations made by the valuator in the whole county.

County Council to revise local assessment-rolls.

And make them bear a just relation to each other.

Proviso.

APPEALS TO THE CIRCUIT COURT.

67. 1. Any person who deems himself aggrieved by any judgment rendered by virtue of this Act, (unless such judgment has been rendered in the first instance by the circuit or superior court), may appeal therefrom to the circuit court in and for the County, or of the District, in which such judgment was rendered, and such appeal shall be made in the following manner :

How appeal may be made.

Appeals to Circuit Courts.

Security in appeal.

2. Within ten juridical days after the judgment is rendered, the appellant shall give good and sufficient security, (by a surety who shall justify his sufficiency to the satisfaction of the clerk of the circuit court at the place at which the appeal is to be heard,) that the appellant will effectively prosecute the said appeal and will satisfy the judgment and pay the damages and costs, which may be adjudged by the circuit court, if the judgment appealed from be confirmed;—And the said clerk may administer to any person presenting himself as surety, the oaths required in similar cases, and put such questions as may be necessary to satisfy himself of his sufficiency; and the said surety shall justify his sufficiency to the amount of at least one hundred dollars;

Clerk may administer oath to surety.

Surety to justify.

Copies of security bond.

3. The said clerk shall deliver to any person applying therefor a copy of the security bond, and such copy, certified by the clerk to be a true copy, shall be deemed authentic;

Suspension of execution.

4. If such security is furnished as above mentioned within the delay prescribed, execution of the judgment shall be suspended until the appeal has been decided; in default thereof the judgment rendered shall be carried into effect;

How appeal shall be commenced.

5. The appeal shall be commenced by a petition in which it shall not be necessary to set out all the facts and proceedings in the cause, but it shall be sufficient, after stating the title of the cause, the date of the judgment, and that the security required by law has been duly furnished, to state in a summary manner, as though the proceedings in the cause had already been before the court in which the appeal is to be heard, and in the ordinary form of pleadings or complaints in appeal, the motives or reasons of the appeal, with conclusions analogous thereto, and to pray that the judgment appealed from be set aside, and that such judgment be rendered as the court or judge below ought to have rendered;

Copies of petition and security to be served on the respondent.

6. A copy of the said petition certified by the appellant or his attorney, and a copy of the security bond, certified by the clerk who shall have received the same, shall be served upon the respondent, or his attorney, within twenty juridical days after the rendering of the judgment, together with a notice of the day on which the said petition will be presented to the circuit court, and the said petition shall be presented to the circuit court (in term) on the first juridical day of the said court immediately following the expiration of the twenty juridical days after the judgment has been rendered;

Papers to be filed by appellant.

7. The appellant shall file with his petition a certified copy of the security given by him, and also the notice of appeal, together with the return of a bailiff, setting forth the necessary services,

Appeals to Circuit Courts.

services, and thereupon the appeal shall be heard and decided in a summary manner;

8. After a copy of the security bond, so given, has been served upon the judge, or one of the judges, or upon the clerk to the judge or judges, or of the court, who rendered or pronounced the judgment or conviction, the said judge or judges, before the day fixed for the presenting of the petition in appeal, shall transmit the record to the clerk of the circuit court, with a certificate, signed and sealed, certifying that the documents transmitted are all the papers, documents and evidence relating to the cause; The above service must be made within fifteen days after the day on which the judgment was rendered;

Transmission of record from Court below.

9. In any such appeal, no new evidence shall be adduced, and no judgment shall be set aside by reason of any trifling variance or informality, but only when any real injustice has been committed;—and when objections are raised which do not affect the merits of the cause, the circuit court may, if necessary, order the clerk of the court to make any amendment to the procedure, which, as amended, shall be executed as though it had been regular in the first instance;

Variance or informality not grounds for setting aside judgment.

10. The circuit court may adjudge the costs on such appeal, and if the judgment appealed from is fully confirmed, it may order that the record be transmitted to the judge or judges or court who pronounced the judgment or conviction, and such transmission shall be effected by the clerk of the circuit court, who shall annex to the record a copy of the judgment of the said court and a certificate of the costs allowed on the said appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the judge or judges below, or of the court below, is carried into effect according to law;

Costs of appeal, how awarded and levied.

11. But if, on the other hand, the said judgment be modified or set aside, in whole or in part, the record and procedure on the judgment appealed from, and any procedure upon the appeal, shall remain to form part of the records of the circuit court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment of the said court shall be carried into effect, by the same means and in the same manner as the judgment appealed from would itself have been carried into effect;

Provision if the judgment be modified or set aside.

12. Any appellant who neglects to cause a copy of the said petition to be served as aforesaid, or who, having caused it to be served, fails effectually to prosecute the said appeal, shall be deemed to have abandoned the said appeal,—and upon

Provision in case of failure to prosecute appeal.

Appeals—Oaths.

upon application of the respondent, the circuit court shall declare forfeited all the rights and claims founded on the said appeal, and shall allow costs to the respondent, and shall order that the record, (if it has been transmitted,) be sent back to the court or judge below ;—and if the record has not been transmitted, then, upon production of the copy of the petition served upon the respondent, the said respondent shall obtain such costs as the court may adjudge ;

Recourse
against sureties.

13. The execution of the judgment against the party condemned shall not deprive the party who has succeeded, of his recourse against the sureties for the whole or any part of the costs of the appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal party ;

No *certiorari*
to be issued in
cases appeal-
able under this
Act.

14. No judgment, rendered in virtue of this Act, shall be set aside by any other means than the appeal above prescribed ; and no writ of *certiorari* shall be issued and no judgment set aside upon a writ of *certiorari*.

SPECIAL PROVISION RELATING TO APPEALS.

By-laws, &c.,
not to be set
aside in appeal,
on ground of
want of interest
in persons ap-
plying for them.

15. No By-law, *procès-verbal*, or other act or proceeding, shall be declared void by any County Council, sitting in appeal thereon from the decision of any Local Council, or by any Court of Appeal, or other Court, solely by reason of the person or persons applying for the same not being interested ; every question as to the interest of such person or persons shall be decided by the Council before which such proceeding originates, if such question is raised before such Council ; and every such decision shall be final and conclusive ; and if not raised before such Council, it shall not be raised in appeal.

OATHS.

By whom to be
administered.

16. Any oath required by this Act may be made before any warden or mayor, or justice of the peace :

Persons admin-
istering it to
give certificate
of its having
been taken.

2. Any person before whom any oath may be made under this Act, is empowered and required to administer such oath, without payment, whenever called upon to do so, and to deliver to the person taking the same a certificate thereof ;—and the person taking such oath shall, without delay, deliver such certificate to the secretary-treasurer of the council in relation to the affairs of which such oath was made.

Publication of Act—Forms.

PUBLICATION OF THIS ACT.

70. The Governor may cause to be printed, in both languages, in such number and to be distributed in such manner as he shall deem most conducive to its publication in Lower Canada, this Act apart from the other Acts of the present Session, together with an index thereto or synopsis thereof, or both; and also a schedule of all Acts or parts of Acts making special provision for the erection of or relating to any Municipal Corporation in Lower Canada.*

Governor to cause copies of this Act to be printed separately, &c.

FORMS.

71. The forms given in the Schedule to this Act shall suffice for the purposes for which they are given; but any other form to the like effect shall be sufficient, and any form shall be sufficient for such purposes or any other under this Act, if according to the ordinary construction of the language, the purport and intent thereof can be *bond fide* understood from the words used;—and no unnecessary or irrelevant allegations or expressions, in any such form, shall affect the validity thereof, if by passing them over as mere surplusage the remainder can be made to bear the sense required;—the rules of construction embodied in the Interpretation Act, and in this Act, shall apply as well to the forms here given and to any other such form as aforesaid, as to the allegations, statements, orders or directions therein contained; and no objections of mere form or founded on the omission of any formality shall be allowed to prevail in any action, suit or proceeding under this Act, unless substantial injustice would be done by not allowing such objection.

Forms in Schedule to be sufficient.

Interpretation of forms and proceedings under this Act.

Merely formal objections not to prevail, if the substance be not affected.

* Vide Schedule, page 136.

Schedule No. 1.

(SCHEDULE No. 1.)

Sect. 12, par. 4. Places specially erected into Municipalities by this or other Acts, and subject to the provisions of this Act wholly or in part.

Name and Description of Municipality.	Authority under which erected.
<i>The Municipality of the parish of Three-Rivers</i> , being that portion of the said parish not comprised in the City of Three-Rivers, with the several concessions upon the St. Lawrence, and in the rear of such concessions up to the tract comprised within the ministration (<i>desserte</i>) of the parish of Pointe-du-Lac, and as far as the <i>seaf</i> (now <i>parish of</i>) St. Etienne.	18 V. c. 100, s. 4, par. 2-4.
<i>The Municipality of the Town of Sherbrooke</i> , as it was on the first day of July, 1855, as if the same had been erected into a Town Municipality, together with the Townships of Ascot and Orford, in the County of Compton.	18 V. c. 100, s. 4, par. 5.
<i>The Municipality of Ste. Anne-des-Monts</i> , as limited by Order in Council under the provisions of the 12 V. c. 126, with a Council having the powers of a local and County Council.	18 V. c. 100, s. 4, par. 6.
<i>The Municipality of the Magdalen Islands</i> , with a Council of five members, having the powers of a local and County Council.	18 V. c. 100, s. 4, par. 7.
<i>The parish of St. Anicet</i> , in the Township of Godmanchester, in the District of Beauharnois.	
<i>The parish of Ste. Julienne de Rawdon</i> , in the Township of Rawdon, in the District of Joliette.	
<i>The parish of St. Alphonse de Liguori</i> , in the County of Montoalm, in the District of Joliette.	
<i>The parish of St. Norbert d'Arthabaska</i> , in the Township of Arthabaska, in the District of Arthabaska.	
<i>The parish of St. Christophe d'Arthabaska</i> , in the Township of Arthabaska, in the District of Arthabaska.	18 V. c. 100, s. 33, par. 11.
<i>The Municipality of Mont Carmel</i> , being part of the parish of La Rivière Ouelle, in the District of Kamouraska.	
<i>The Municipality of St. Hugues</i> , comprising the 8th, 9th, 10th, 11th, 12th and 13th ranges of the Township of Upton, with the parish of St. Hugues.	
<i>The parish of St. Ephrem d'Upton</i> , in the Township of Upton.	
<i>The parish of St. Germain</i> , in the Township of Grantham, in the County of Drummond.	
<i>The Municipality of Grantham, Wendover and Simpson</i> , comprising the Townships of Wendover and Simpson, and that part of Grantham not comprised in St. Germain.	20 V. c. 41, s. 2, par. 2.
<i>The Municipality of North Winslow</i> being the north part of the Township of Winslow.	
<i>The Municipality of South Winslow</i> , being the south part of the Township of Winslow, with limits fixed by a By-law of the Council of the County of Compton.	
<i>The Township of St. Jean</i> , detached from the County of Chicoutimi, with a Council having the powers of a Local and County Council.	22 V. (1858), c. 101, s. 30.

(SCHEDULE

Schedule No. 1.—Form A.

(SCHEDULE No. 1.)—Continued.

Name and Description of Municipality.	Authority under which erected.
<i>The Municipality of Grande Baie</i> , in the Township of Bagot, in the County of Chicoutimi.	22 V. (1859), c. 69, s. 1.
<i>The Municipality of Bagotville, North-West Division of the Township of Bagot</i> , in the Township of Bagot, in the County of Chicoutimi.	
<i>The Municipality of Hébertville</i> , in the County of Chicoutimi, with a Council having the powers of a Local and County Council.	22 V. (1859), c. 70, s. 1.
<i>The Municipality of Roberval</i> , in the County of Chicoutimi, with a Council having the powers of a Local and County Council.	
<i>The Municipality of Aubert Gallion</i> , comprising the Parish of St. George (d'Aubert Gallion,) in the County of Beauce, with the first, second, third and fourth ranges of the Township of Shenley.	This Act.

F O R M S .

(A)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF LOCAL COUNCILLORS. Sect. 33, par. 2.

To the municipal electors of the (township, parish, &c., *here insert name of municipality.*)

Public notice is hereby given that a public meeting of the inhabitants of the local municipality of the (parish, township, &c., *here insert name of municipality*) qualified to vote for municipal councillors, will be held at *(here describe the place, public room, house, &c.,)* in the said municipality, on _____ day, the _____ day of _____ instant (or next) at _____ of the clock in the noon, for the purpose of then and there electing seven councillors for the said municipality, pursuant to the provisions of "The Lower Canada Municipal Act of 1860."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.
Mayor, Secretary-Treasurer, or Registrar,
(or Deputy Registrar of _____ as the case may be.)

(A 2)

Forms A 2 and B.

(A 2)

NOTICE OF PUBLIC MEETING FOR THE ELECTION OF COUNCILLORS, IN PLACE OF THOSE WHOSE ELECTION HAS BEEN DECLARED NULL AND VOID.

To the municipal electors of the (township, parish, &c., *here insert name of municipality.*)

Public notice is hereby given that a public meeting of the inhabitants of the local municipality of the (parish, township, &c., *here insert name of municipality*) qualified to vote for municipal councillors, will be held at *(here describe the place, public room, house, &c.,)* in the said municipality, on _____ day, the _____ day of _____ instant (*or next*), at _____ of the clock in the _____ noon, for the purpose of then and there electing _____ councillor for the said municipality, in stead of (A. B. *and C. D. as the case may be*) whose election has been declared null and void, pursuant to the provisions of "The Lower Canada Municipal Act of 1860."

Dated at _____ this _____ day of _____, one thousand eight hundred and _____

A. B.

Mayor, Secretary-Treasurer, *or* Registrar, (*or* Deputy Registrar of *as the case may be.*)

(B)

CERTIFICATE OF THE PUBLICATION OF A PUBLIC NOTICE TO BE ANNEXED TO OR ENDORSED ON THE ORIGINAL NOTICE.

Sect. 9.

I, A. B., residing at the (township, parish *or* place, *here insert residence,*) being duly sworn on the Holy Evangelists, do hereby certify and return that I did publish the within original notice, by posting a true copy thereof on the front door of _____ (*here describe the churches or chapels on the door of which and the other public place where the notice was so posted*) on _____ day, the _____ day of _____ instant, (*or last*) between the hours of _____ in the _____ noon and _____ in the _____ noon, (*if it be within a seigniority or fief, add*) and by reading the same at the door of the said church, at the close of divine service in the forenoon, on the _____ day of _____ last (*or the _____ instant,*) being the Sunday next following the day _____

Forms D and E.

(D)

Sect. 9.

CERTIFICATE TO BE ANNEXED TO OR ENDORSED ON EVERY SPECIAL NOTICE.

I, A. B., residing at the (parish, township or place, *here insert residence*), being duly sworn on the Holy Evangelists, do hereby certify and return, that on _____ day, the _____ day of _____, in the year of

Our Lord, one thousand eight hundred and _____ of the hour of _____ of the clock in the _____ noon, in the parish, township or place), in the county of _____, I did serve the within original special notice on the person (s) therein named to be notified, at his (or each of their, *as the case may be*) domicile (s), by leaving a true copy thereof with (*here mention the manner in which the service is made, either adding the said _____ personally, or, a reasonable person of his family,*) and then and there exhibiting to him (or her) the said original special notice.

Dated at _____, this _____ day of _____ one thousand eight hundred and _____

Sworn before the undersigned, Warden of the municipal council of the county of (*here insert name of county,*) or Mayor of the municipal council of the (parish, &c., *here insert name of municipality,*) or one of Her Majesty's Justices of the Peace for the district of (*here insert name of district, as the case may be.*)

E. F.

F. G.

(E)

Sect. 33, par. 13.

SPECIAL NOTICE TO MUNICIPAL COUNCILLOR INFORMING HIM OF HIS ELECTION AND OF THE DAY OF THE FIRST SESSION.

(Place.) (Date.) 18 .

Sir,

I hereby notify you that at a public meeting of the electors of the municipality of (*here insert name of municipality,*) convened and held in conformity to the provisions of "The Lower Canada Municipal Act of 1860," at the said (parish, &c.,) on the _____ day of _____ (instant or last past,) you were then and there duly elected a municipal councillor for the said municipality of (*here insert name of municipality,*) and you are hereby required to attend the first session

MUNICIPAL ACT OF 1860.

109

Form F.

session of the said council which will be held at (*here describe place of first meeting,*) on _____ day, the day of _____ instant (*or next,*) at the hour of _____ of the clock in the _____ noon

G. H.
President of election.

To H. I.
Municipal Councillor.

(F)

NOTICE FROM PRESIDENT OF ELECTION TO THE WARDEN OR SECRETARY-TREASURER OF THE COUNTY COUNCIL, OR THE REGISTRAR, WHEN AN ELECTION HAS TAKEN PLACE FOR A NEW MUNICIPALITY. Sect. 33, par. 14.

(Place.) (Date.) 18 .

Sir,

I hereby inform you that at the public meeting of the inhabitants of the municipality of the (parish, township, &c.,) of (*here insert name of municipality,*) held at _____ on _____ day, the _____ day of _____ instant (*or last past*) :

NAME.	RESIDENCE.	OCCUPATION.
A. B.	Quebec,	Carpenter,
C. D.	do.	do.
E. F.	do.	do.
G. H.	do.	do.
J. K.	do.	do.
L. M.	do.	do.
N. O.	do.	do.

were elected councillors for the said municipality, (by acclamation, they being the only candidates, *if such be the case,*) or they having the largest number of votes, as appears by the poll-books, duly certified by me and herewith transmitted.

I. J.
President of election.

To J. K., Esquire,
Warden, Secretary-Treasurer
or Registrar of the county of

BY-LAWS

Form I.

Sects. 24 and 26.

BY-LAWS AND RESOLUTIONS.

(I)

COUNTY COUNCIL BY-LAW.

Corporation of the }
County of }

At a general quarterly session of the municipal council of the county of (*here insert the name of county*)* held at , in the said county, on day, the day of , in the year of Our Lord, one thousand eight hundred and , in conformity to the provisions of " The Lower Canada Municipal Act of 1860,"† at which meeting are present, A. B., Mayor of the (*parish &c.*), C. D., Mayor of the (*parish, &c.*) E. F., Mayor of the (*parish, &c.*) the said (three Mayors, *or more, as the case may be,*) forming a *quorum* of the said council, the said A. B. presiding (as Warden of the said council, *if such be the case,*) ‡ the said council doth hereby ordain and make the following by-law, to wit :

A BY-LAW.

(*Here give a heading to the by-law concisely indicating the purport of such by-law.*)

I. That, &c., &c.

(Seal)

A. B.

Warden (*or Chairman, as the case may be.*)

Attested, C. D.,
Secretary-Treasurer of the said Council.

* (*If it be a special meeting of the council, the following head should be substituted*) :

At a special session of the municipal council of the county of (*here insert the name of county*), duly convened by special notice given to all the members of the said council by (the warden of the said council, *or by A. B. and C. D., two members of the said council, as the case may be,*) and, &c.

(J)

Form J.

(J)

Sect. 24.

LOCAL COUNCIL BY-LAW.

Corporation of the }
 (Parish, Town- }
 ship, &c.,) of }

At a general monthly session of the municipal council of the (parish, &c.,) *here insert the name of municipality* * held in the said (parish, &c.,) on _____ day, the _____ day of _____, in the year of Our Lord, one thousand eight hundred and _____, in conformity to the provisions of "The Lower Canada Municipal Act of 1860," † at which meeting are present A. B., C. D., E. F., &c., (*here insert the names of the councillors present*) members of the said council, and forming a *quorum* thereof, the said A. B. presiding (as mayor, *if such be the case*,) ‡ the said council doth hereby ordain and make the following by-law, to wit :

A BY-LAW.

(*Here give a heading to the by-law concisely indicating the purpose of such by-law.*)

I. That, &c., &c.

(Seal.)

A. B.

Mayor (or Chairman, as the case may be.)

Attested, C. D.,
 Secretary-Treasurer of the said council.

* (*If it be a special meeting of the council, the following head should be substituted*):

At a special session of the municipal council of the (parish &c.) of (*here insert the name of parish, &c.*) duly convened by special notice given to all the members of the said council by (the Mayor of the said council, or by A. B. and C. D., two members of the said council, as the case may be,) and, &c.

† (*If the meeting of any council be continued by adjournment, add*):

And adjourned from the said day to _____ day, the _____ day of _____ in the (said) year, (*if further adjourned and thence unto, &c.*)

(K)

Forms K, L and M.

(K)

Sect. 35, par.
11.

PUBLICATION OF A RESOLUTION OF A MUNICIPAL COUNCIL.

(When by any part of this Act a resolution of a municipal council is ordered to be published, the above heading of by-laws may be used in the public notice as far as it, after which, add, It was resolved, and for the words "are present" substitute "were present.")

(L)

Sect. 15, par. 4.

NOTICE FOR SPECIAL MEETING OF A MUNICIPAL COUNCIL.

Office of the municipal council of the (county, parish, &c.)

(Place.) (Date.) 18

Sir,

Hereby take notice that a special session of the municipal council of the (county, parish, &c., as the case may be,) will be held on day, the day of instant (or next), at the hour of of the clock, in the noon, at the usual place of meeting.

P. Q.

Warden, or Mayor, or members of the municipal council of the (county, Parish, &c.)

To Q. R.

(M)

Sect. 15, par.
11.

NOTICE FOR AN ADJOURNED MEETING OF A MUNICIPAL COUNCIL TO BE SERVED ON MEMBERS ABSENT AT THE TIME OF ADJOURNMENT.

Office of the municipal council of the (county, parish, &c.)

(Place.) (Date.) 18

Sir,

You are hereby notified that the session of the municipal council of the (county, parish, &c.,) stands adjourned from day, the day of instant, to day, the day of instant (or next), on which latter day the said council will meet at the usual place and at the hour of of the clock, in the noon.

R. S.

Secretary-Treasurer of the municipal council of the (county, parish, &c.)

To Q. R.

(N)

Forms N and O.

(N)

OATH OF OFFICE.

Sect. 14, par. 7.

I, A. B., having been elected or appointed (as the case may be) Councilor, Mayor, or Warden of the municipal council of the (county, parish, &c.) do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability.

Sworn before the undersigned, Warden of the municipal council of the county of (here insert name of county), Mayor of the municipal council of the (Parish, &c., here insert name of municipality,) or one of Her Majesty's Justices of the Peace of the district of (here insert name of district, as the case may be).

S. T.

T. U.

(O)

SECRETARY-TREASURER'S SURETY BOND, WHEN GIVEN UNDER PRIVATE SEAL. Sect. 20, par. 7

PROVINCE OF }
CANADA. }

Know all men by these presents, that We, A. B., (here insert name of secretary-treasurer,) of the (parish, &c.,) of in the district of , and (here insert names, residences and occupations of two sureties,) are jointly and severally held and firmly bound to the corporation of the (county, parish, &c., as the case may be,) in the sum of dollars, of good and lawful money of this province, to be paid to and for the use of the said corporation, for which payment well and truly to be made, we jointly and severally (solidairement) bind ourselves and our respective heirs, executors and administrators, firmly by these presents, and do hereby hypothecate the properties hereinafter mentioned, to wit: the said A. B. (here insert name of secretary-treasurer, if he has real property) a certain (description of property hypothecated) and the said (here insert separately the name of each surety, together with description of the property hypothecated,) signed in duplicate by our respective hands, sealed with our respective seals, and dated at , the day of in the year of our Lord, one thousand eight hundred and , in presence of (here insert names of witnesses,) the subscribing witnesses.

Form P.

WHEREAS the said bounden (*here insert the name of secretary-treasurer elect*) hath been elected (*or appointed*) secretary-treasurer of the municipal council of the (county, parish, township, &c.); and whereas in accordance with the provisions of "The Lower Canada Municipal Act of 1860," the said bounden (*here insert names of sureties*) have been approved by a resolution of the said council as sureties for the payment of all sums of money for which he the said (*insert name of secretary-treasurer*) so elected (*or appointed*) secretary-treasurer, may as such secretary-treasurer at any time be accountable to the said corporation, including principal, interest and costs, as well as all penalties and damages to which he the said (*insert name of secretary-treasurer*) as such secretary-treasurer shall become liable in the exercise of his office.

Now the condition of the above written obligation and recognizance is such, that if the above named (*insert name of secretary-treasurer*) do faithfully discharge the duties of the office of secretary-treasurer as aforesaid, to which he has been elected (*or appointed*) so as aforesaid, and do well and truly account for and pay over to the said corporation, or to such person or persons as under the said Act shall be authorized to demand and receive the same, all sums of money for which he the said (*insert name of secretary-treasurer*) as such secretary-treasurer shall be accountable to the said corporation, including principal, interest and costs, as well as all penalties and damages to which the said (*insert name of secretary-treasurer*) as such secretary-treasurer shall become liable in the exercise of his office, for and during the time the said (*insert name of secretary-treasurer*) shall continue to hold the said office of secretary-treasurer, then this obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

A. B., Signature of secretary-treasurer. (Seal.)
 C. D., } Signatures of (Seal.)
 E. F., } Sureties. (Seal.)

Witnesses, (*names of witnesses*) { G. H.
 J. H.

(P)

Sect. 20, par. 21.

SPECIAL NOTICE OF APPOINTMENT OF A MUNICIPAL OFFICER.

Office of the municipal council of the (county, parish, &c.)
 of

(Place.) (Date.)

Sir,

You are hereby notified, that at a session of the municipal council of the (county, parish, &c., as the case may be.)

Forms Q and R.

be,) of held on the day of
 instant (or last past), you were, by a resolution of the said
 council, duly appointed to the office of (*here insert name of*
office).

U. V.

Secretary-treasurer of the municipal council of the
 (county, parish, &c.,) of

To V. W.
 (*Address.*)

(Q)

NOTIFICATION OF ELECTION OR APPOINTMENT OF MAYOR.

Sect. 18, par. 6.

Office of the municipal council of the (parish, township, &c.,

(*Place.*) (*Date.*)

Sir,

You are hereby notified that (A. B., *here insert name of*
councillor) was on the day of instant
 or last), duly elected (or appointed, *as the case may be*), Mayor
 of the said (parish, township, &c.)

W. X.

Secretary-treasurer of the said council.

To X. Y.
 Warden, or Registrar
 of the county of

(R)

PETITION FOR ERECTION OF A VILLAGE.

Sect. 36, par. 2.

To the municipal council of the county of

The petition of the undersigned Inhabitants of the (parish,
 township, &c.,) of qualified to vote at the election
 of local councillors—

Respectfully sheweth :

That they are desirous that the hereinafter described tract of
 land be erected into a separate village (or town) municipality,
 under such name as may be given thereto by His Ex-
 cellency the Governor, under the provisions of "The Lower
 Canada Municipal Act of 1860."

That the said tract of land lies within the limits of the muni-
 cipality of the said county of and is bounded as

Forms S and T.

follows, to wit : (*here give boundaries and description of the said tract*), and contains at least forty inhabited houses within the space of sixty superficial arpents. (*If for the incorporation of a Town, add,—*And that there are at least three thousand inhabitants within the said tract.)

Wherefore the said Petitioners, resident within the said tract, pray that the municipal council of the said county of _____ will order on their said petition as in and by the said Act prescribed.

(Place.) (Date.) _____ (Signatures.)
 _____ (not less than thirty.)
 (S)

Sect. 36, par. 3. PUBLIC NOTICE TO BE GIVEN IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.

(Place.) (Date.)

Public Notice is hereby given, that in pursuance of an order to me given by the municipal council of the county of _____, I shall, on _____ day, the _____ day of _____ instant (*or next*), at the hour of _____ of the clock in the _____ noon, visit the tract of land mentioned and described in the petition of certain inhabitants of the municipality of the (parish, township, &c.,) of _____ presented to the municipal council of the county of _____, on the _____ of _____ instant (*or last past*), praying for the erection of the said tract of land into a town (*or village*) municipality; and all parties interested who may be desirous of being heard in relation to that petition are hereby notified to present themselves then and there before me for that purpose.

Y. Z.

(T)

Sect. 36, par. 7. PUBLIC NOTICE TO BE GIVEN BY A COUNTY COUNCIL BEFORE THE HOMOLOGATION OF A REPORT IN RELATION TO THE ERECTION OF A TOWN OR VILLAGE.

Office of the municipal council of the county of _____ (Date.)

Public Notice is hereby given, that on _____ day, the _____ day of _____ instant, (*or next*) at the hour of _____ of the clock in the _____ noon, the municipal council of the county of _____ after having heard the parties interested, will

Forms U and V.

will proceed to the examination of the report on the petition of certain inhabitants of the municipality of the (parish, township, &c.,) of _____, praying for the erection into a separate town (or village) municipality of a certain tract of land therein mentioned.

V. U.
Secretary-Treasurer of the municipal
council of the county of _____.

(U)

OATH TO BE ADMINISTERED TO SPECIAL CONSTABLES. Sect. 33, par. 8.

I, A. B., do swear that I will well and truly serve Our Sovereign Lady the Queen in the office of special constable for the _____ of _____, without favor or affection, malice, or ill will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law: So help me God.

(V)

WARRANT OF COMMITMENT ON VIEW. Sect. 33, par. 8.

PROVINCE OF CANADA,
Municipality of the (parish, }
township &c.) of }

To all or any of the constables and peace officers in the district of _____ and to the keeper of the (house of correction, lock-up house, &c.) at _____, in the said district of _____

WHEREAS A. B. (*here describe the person*) hath this day, during the election for the municipal councillors for the municipality of the (parish, township, &c.) of _____ broken and disturbed the public peace and tranquillity (*here describe the manner*), in the presence and within view of the undersigned duly appointed to preside and presiding at the said election; and whereas I have adjudged the said A. B. for the said offence to be imprisoned in the (house of correction, lock-up house, &c.) for the time and space of _____ days.

These are therefore to command you the said constables or peace officers, or any one of you, in Her Majesty's name, forthwith to convey the said A. B. to the (house of correction, lock-up house, &c.) at _____, and there deliver him into the custody of the keeper thereof, together with this precept;
And

Form X.

every the goods and chattels appertaining to the said (performance *or* exhibition,) or of all or any of the persons connected with such (performance *or* exhibition); and if within the space of _____ days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said municipal council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and the seal
of the said corporation, this
day of _____, in the year of Our
Lord _____, at _____, in
the district aforesaid.

Y. X.
Mayor of the said
Corporation.

(X)

SPECIAL NOTICE TO BE GIVEN TO ANY PERSON APPOINTED BY Sect. 23,
THE GOVERNOR GENERAL,

Office of the municipal council of the
county (*or* parish; &c.,) of

(Place:) (Date:)

SIR,—You are hereby notified that you have been appointed
by the Governor General to the office of
in the municipality of the (county, parish *or* township, &c.,) of
(if it be addressed to a councillor, add)
and that the first (*or* next) session of the
municipal council of the said (county, parish, township, &c.,)
will be held at (*here describe place*) on _____ day,
the _____ day of _____ instant (*or* next) at the hour
of _____ of the clock of the _____ noon.

W. U.
Warden, Mayor, *or* Secretary-
Treasurer of the County (*or*
parish, &c.,) of _____

To A. B., &c.
Address.

(Y)

Forms Y, Z and AA.

(Y)

Sect. 46, par. 10. PUBLIC NOTICE OF THE EXAMINATION OF ANY PROCÈS-VERBAL.

Office of the municipal council of the (county, parish, township, &c.) of

(Place.) (Date.)

Public notice is hereby given to all parties interested, that pursuant to the provisions of "The Lower Canada Municipal Act of 1860," on day, the day of instant (*or next*), at the hour of of the clock in the noon, at (*here describe the place*) the municipal council of the (county, parish, township, &c.) of will proceed to the examination or revision of the (*Special Superintendent's procès-verbal* relative to the (*here give the nature of the work, &c.*))

B. F.

Secretary-treasurer of the municipal council of the (county, &c.) of

(Z)

Sect. 48, par. 2. SPECIAL NOTICE BEFORE ENTERING ON OCCUPIED LAND FOR THE PURPOSE OF SURVEY.

SIR,—Hereby take notice that on day, the day of instant (*or next*), I shall enter on the land occupied by you, situate in (*here describe the land*) for the purpose of then and there making a survey for a certain road, viz: (*here describe road by its direction, &c.*)

C. F. *Special Superintendent.*

(AA)

PUBLIC NOTICE OF INTENTION TO EXAMINE ROADS IN LOCAL MUNICIPALITY.

(Place.) (Date.)

Public notice is hereby given that on day, the day of (January *or* June, *as the case may be*), I shall visit the (parish *or* township, *here insert name of local municipality*), for the purpose of then and there examining the roads within the said municipality.

G. H., *Special Superintendent.*

(BB)

Form BB.

(BB)

Valuation-Roll of the Municipality of the (Parish, Township, &c.) of (name of Municipality.)

TAXABLE PERSONS.		ASSESSABLE PROPERTY.										Additional columns required by par. 2 of s. 9 of chapter 6, of "The Consolidated Statutes of Canada."				
Owner of Real Property.		Occupant of Real Property.		Real.						Other items according to Law, &c., of Municipality.		Annual value of real property.		Names of		
Name.	Designation.	Name.	Designation.	Concession in a Range in Township.	Lot or part.	Name of street.	No of House.	If in a Village.	Value of Property.	Profession or Business.	Value of.	Acctual value of real property.	Annual value of real property.	Owner.	Tenant.	Occupant other than owner, tenant or usufructuary.
John Brown.	Notary.	John Brown.	Notary	1	E 1 10				\$ cts. 450 00	\$ cts. 800 00		\$ cts. 450 00	\$ cts. 27 00	John Brown.		
Isaac Smith.	Physician	Wm. Jones.	Advocate	4	3 12	St. James	4		600 00	900 00		800 00	36 00	Wm. Jones.		

Sect. 56, par. 5.

A. B. } Valuers for the said Municipality of the (Parish,
C. D. } Township, &c.) of

(CC)

Form CC.

(CC)

Sect. 56, par.
19.**PUBLIC NOTICE OF THE REVISION OF A VALUATION-ROLL.**Office of the municipal council of the (parish, township,
&c.,) of

(Place.) (Date.)

Public notice is hereby given to the inhabitants of the municipality of the (parish, township, &c.,) of that on day, the day of instant, (or next) at the hour of of the clock in the noon, the municipal council of the said (parish, township, &c.,) will proceed to the examination or revision of the valuation-roll for the said municipality.

F. G.

Secretary-treasurer of the said council.

(DD)

Form DD.

Sect. 59, par. 9.

(DD)
Collection-Roll of the Municipality of the (parish, township, &c.) of (name of Municipality.)

ASSESSABLE PROPERTY.

TAXABLE PERSONS.		ASSESSABLE PROPERTY.										Total amount of Tax payable.		
Name.	Designation.	Real.					Personal.		Total value of assessable Property.	Amount of tax cents in the dollar.	Other items according to By-law, &c., of Municipality.			
		Concession.	Range.	Lot or part.	Name of Street.	If in a Town or Village.	No. of House.	Value of Property.				Nature of.	Value of.	
John Brown.	Notary.	1	2E	10				\$	cts.			\$	cts.	
Isaac Smith.	Physician.	4	3	12				\$	cts.	Profession.	200 00	350 00		
Wm. Roe.	Merchant.				Main.	12		\$	cts.	Do.	300 00	500 00		
John Jones.	Printer.	5	4	18				\$	cts.	Trade.	500 00	800 00		
Robt. Snow.	Farmer.	5	5	19				\$	cts.	Do.	100 00	200 00		
Thos. Silk.	Carter.				St. John.	2		\$	cts.			200 00	60 00	

F. H.
Secretary-Treasurer of the Municipality of the (parish, township, &c.) of

(EE)

Form EE.

(EE)

Sect. 59, par. 12. PUBLIC NOTICE TO BE GIVEN BY A SECRETARY-TREASURER OF THE COMPLETION OF HIS COLLECTION-ROLL.

Public notice is hereby given that the collection-roll of the municipality of the (*parish, township*) of (*name*) is completed and is now deposited in the office of the undersigned. All persons whose names appear therein, as liable for the payment of any assessment, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

A. B.

Secretary-Treasurer of the Municipality of

(Place.)

(Date.)

18

(FF)

Form FF.

(FF)

SECRETARY-TREASURER'S NOTICE FOR THE PAYMENT OF ASSESSMENT.

Sect. 59, par. 13.

MUNICIPALITY OF THE (parish, township, &c.)
(Date of delivery.)

Mr. Dr.
To the Corporation of the (parish, township, &c.)

Assessment on your (here mention the property, as house, land, &c.) valued at \$	\$	cts.
, at (1/2ct.) in the \$....		
(Here add the various other items of taxation).....		
Total.....		

SIR,—Take notice that having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof as below, in default whereof, execution will issue against your goods and chattels.

A. B.
Secretary-Treasurer.

Costs.

Notice.....\$

MUNICIPALITY OF THE (parish, township, &c.)

Mr. (Copy Account.)

\$ Notice served.
(here insert date of notice.)

Costs

(G Notice.....\$
G)

Forms GG and HH.

(GG)

Sect. 59, par. 15.

DISTRESS WARRANT FOR ASSESSMENTS DUE.

PROVINCE OF }
CANADA. }

The corporation of the (parish, township, &c., *as the case may be,*) to wit :

To all or any of the constables and peace officers in the district of

WHEREAS A. B., (*name and designation of debtor,*) hath been required by the secretary-treasurer of the municipal council of the (*name of municipality,*) to pay into his hands for and on behalf of the said municipal council, the sum of being the amount due by him to the said municipality, as appears by the collection-roll of the said municipality for the year 18 ; And whereas the said A. B., hath neglected and refused to pay unto the said secretary-treasurer, within the period prescribed by law, the said sum of ; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do on such day as shall be indicated to you by the said secretary-treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the secretary-treasurer of the said municipal council, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and the seal }
of the said corporation, this }
day of , in the year of Our }
Lord , at in }
the district aforesaid. }

Y. X.
Mayor of the said corporation.

(HH)

Sect. 59, par. 17.

NOTICE OF THE DAY AND PLACE OF SALE OF GOODS AND CHATTELS SEIZED FOR TAXES.

PUBLIC NOTICE is hereby given that on day, the day of instant (*or next*) at the hour of of the clock in the noon, at (*here describe the place*), the goods and chattels of A. B. (*name of person*) now under seizure for non-payment of municipal assessments (*or other dues, as the case*)

Forms KK and LL.

(KK)

Sect. 59, par. 21.

STATEMENT OF LANDS TO BE SOLD FOR TAXES, AND NOTICE OF SALE.

Office of the municipal council of the county of

I do hereby give Public Notice, that the lands hereinafter mentioned will be sold by Public Auction, at the (*here insert name of place*), on Monday, the _____ day of February next, at _____ of the clock in the _____ noon, for the assessments and charges due to the municipalities hereinafter mentioned upon the several lots hereinafter described, unless the same be paid with costs at least two days before the above day.

DESCRIPTION OF LAND.					AMOUNT DUE ON EACH LOT.
Name of Municipality.	Concession.	Range.	Lot.	Extent.	
	1	2	7	100 acres.	\$3 75
	3	1	6	175 do.	3 50
	5	3	8	200 do.	4 25
	6	4	11	200 do.	4 30

If in a Seignior, give Boundaries or Number in Plan and Book of Reference for Registration purposes, if any.

P. Q.
Secretary-treasurer of the municipality of
the county of

(LL)

FORM OF DEBENTURE.

Municipality of the (*as the case may be.*)

No. _____ £ _____ Cy. or Stg.

Sect. 24, par. 10.

This debenture witnesseth, that the municipality of (*name of municipality*), under the authority of a by-law passed by the council of the said municipality in conformity to the provisions of "The Lower Canada Municipal Act of 1860," intituled:

Form LL.

intituled : A by-law, &c., (*insert title of by-law,*) have received from (*name*) of (*domicile, profession, or occupation,*) the sum of (*insert sum at full length*), as a loan, to bear interest from the date hereof at the rate of per centum per annum, payable half yearly on the day of and , at , which sum of (*insert sum at full length*) the said municipality, as a municipal corporation, hereby binds and obliges itself to pay on the day of , at , to the said , or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, according to the *coupons* or interest warrants hereto attached.

In testimony whereof I, , (*Warden or Mayor of the said municipality*), being hereunto duly authorized, have signed these presents, and have hereunto affixed the common seal of the said municipality, at , in the county of , on this day of , in the year of Our Lord, one thousand eight hundred and .

(*Signature of Warden or Mayor.*)

Countersigned by
(*Secretary-treasurer.*)

[Seal.]



ANNO SECUNDO

VICTORIÆ REGINÆ.

CAP. II.

An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.

(Sections extended to Town and Village Municipalities, by 29th Section of 23 Vict., Cap. 61.)

Vide page 33.

8. It shall be lawful for any justice of the peace to commit all loose, idle and disorderly persons, being convicted before him by his own view, or by his, her or their own confession, or by the oath of one or more credible witness or witnesses, to the common goal or house of correction, there to be kept at hard labour, for any time not exceeding two calendar months* : Provided always, that it shall be in the discretion of the justice of the peace, before whom any person apprehended as a loose, idle and disorderly person shall be brought, either to commit or discharge such person, although an act of vagrancy be proved against the person so charged ; Provided also, that it shall be in the discretion of such Justice, on discharging such loose, idle and disorderly person, to bind him or her in a sufficient recognizance, to appear before the justices at their next general or quarter sessions of the peace, to answer such charge or charges as shall be alleged against him or her, respectively.

Any justice of the peace may, on his own view, convict and commit loose and disorderly persons brought before him.

Proviso.

9. Persons who, being able to work, and thereby or by other means to maintain themselves and families, shall wilfully refuse or neglect to do so,—

Who are to be deemed disorderly persons under this ordinance.

Persons openly exposing or exhibiting in any street, road, public place, or highway, any indecent exhibition, or openly and indecently exposing their persons,—

Persons loitering in the streets or highways and obstructing passengers, by standing across the footpaths, or by using insulting language, or in any other way, tearing down or defacing signs, breaking windows, breaking door or door-plates, or the walls of houses, yards or gardens, destroying fences, causing a disturbance

* Amended by 7 Vict. cap. 21, s. 1, quod vide page 133.

disturbance or noise in the streets or highways by screaming, swearing, or singing, being drunk, and impeding or incommoding the peaceable passengers,---

All common prostitutes or night walkers wandering in the fields, public streets or highways, not giving a satisfactory account of themselves,---

Persons in the habit of frequenting houses of ill-fame, not giving a satisfactory account of themselves,---

Persons tipping in taverns or tap-rooms, after the hour of ten at night and before the hour of five in the morning, between the twenty-first day of March and the first day of October, and after the hour of nine at night and before the hour of six in the morning, from the first day of October to the twenty-first day of March,---

Persons winning money or other valuable thing in playing at cards, dice or other chance game in taverns,---shall be deemed loose, idle and disorderly persons, within the meaning of this ordinance.

Justice of the peace may grant warrants to search houses suspected of harbouring disorderly persons.

10. It shall be lawful for any justice of the peace, upon information upon oath before him made, that any persons hereinbefore described are loose, idle and disorderly persons, and are, or are reasonably suspected to be harboured or concealed in any house or houses of ill-fame, tavern or taverns, boarding-house or boarding-houses, by warrant under his hand or seal, to authorize any constable or other person or persons to enter at any time such house or houses, tavern or taverns, and to apprehend and bring before him or any other justice or justices, all persons found therein and so suspected as aforesaid; and if on examining such person or persons so apprehended and brought as aforesaid, it shall appear to such justice or justices that they or any of them cannot give a satisfactory account of themselves, it shall and may be lawful for such justice or justices to commit him, her or them to the common goal or house of correction, there to be dealt with in the same manner as loose, idle and disorderly persons are hereinbefore directed to be dealt with by this ordinance.

Punishment of persons over-loading or otherwise ill-treating animals.

11. It shall be lawful for any justice of the peace to commit any person or persons being convicted before him, by his own view or by the oath of one or more creditable witness or witnesses, or by his, her or their confession, of over-loading, over-driving or otherwise ill-treating any horse, dog or other animal, to the common gaol, for any time not exceeding one calendar month; and all constables shall and may apprehend such person or persons, and bring him, her or them before a justice of the peace, to be dealt with according to the provisions of this ordinance.

ANNO



ANNO SEPTIMO
VICTORIÆ REGINÆ.

CAP. XXI.

An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's reign, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.*

1. It shall not be lawful for any Justice or Justices of the Peace to commit persons convicted under the said Ordinance, of being loose, idle, and disorderly, to the common Gaol or House of Correction, at hard labor, and so much of the said Ordinance as confers any power of imprisonment on Justices of the Peace, of persons so convicted, shall be and the same is hereby repealed; provided always, that it shall be lawful for any Justice or Justices of the Peace, to impose upon persons hereafter to be convicted under the said Ordinance, of being loose, idle, and disorderly, a pecuniary fine or penalty not exceeding five pounds sterling, to be levied *by attachment of their several goods and chattels, and sale thereof, eight days after such attachment, * and not by distress*, if such persons so convicted shall be residents of the parish or place where such conviction shall be made; and in default of sufficient levy upon such goods and chattels, to cover such penalty and costs of seizure and sale, or if such persons so convicted shall not be residents or being residents shall have no goods and chattels by the sale whereof, the said penalty may be levied, and shall not, forthwith upon such conviction, pay such penalty, it shall be lawful for such Justice or Justices to commit such offenders so convicted, to the Common Gaol or House of Correction, to be imprisoned for any period not exceeding two months, either at hard labor or otherwise, in the discretion of such Justice or Justices.

Part of the Ordinance L. C. 2 V. (1) c. 2, repealed, and other provisions substituted.

A fine may be imposed.

Offender may be committed, if the fine be not paid.

2. So much of the said Ordinance as deprives parties convicted, as aforesaid, of the benefit of Her Majesty's Writ of Certiorari, and also so much of the same as enacts that no conviction, order, warrant, commitment, or other matter, made or purporting to be made, under the said Ordinance, shall be quashed

So much of the Ordinance as deprives parties of the benefit of certiorari, &c., &c., in certain cases, repealed.

* Repealed by 9th Vict. cap. 23, quod vide page 135.

quashed for want of form, or held void by reason of any defect therein, shall be ~~and the same is hereby repealed.~~

Charges to be reduced to writing, in certain cases.

3. In all proceedings ~~to be commenced against~~ loose, idle, and disorderly persons, the charge shall be reduced to writing and shall be stated by the Justice or Justices of the Peace to the party or parties accused, who shall be held to plead forthwith to the same; and the said charge shall be summarily tried, due time being given to the party accused to procure the attendance of the necessary witnesses to establish his defence, if he shall so require.

Appeal granted to the Quarter Sessions in such cases.

4. It shall be lawful for any person convicted under the said Ordinance to appeal from such conviction to the next ensuing General Quarter Sessions of the Peace, upon giving good and sufficient security to pay the penalty awarded against him and all costs of such Appeal; and the said Sessions of the Peace are hereby empowered to hear such Appeal and to dispose of the same, and award costs in manner and form as practised upon other Appeals.

The particular facts which constitute a person loose, idle or disorderly, to be stated in the Commitment.

5. Every commitment to Gaol or to the House of Correction, shall specify the particular fact or facts, as to time, place and circumstance, which constitute the offender as a loose, idle, and disorderly person; and any commitment which shall not specify such facts, shall be held to be insufficient, and the party imprisoned under color thereof shall be entitled to be discharged from imprisonment, upon application to that effect to any Judge or Justice of Her Majesty's Courts of King's Bench or Queen's Bench, or any other person authorized by law to act in the absence of such Judge or Justice.

In default, the party may be discharged.



ANNO NONO

VICTORIÆ REGINÆ.

CAP. XXIII.

An Act to amend the Act amending certain provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal.

WHEREAS experience has shewn that it is necessary to alter and amend a certain part of the Act of the Legislature of this Province, passed in the seventh year of Her Majesty's Reign, and intituled: *An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled, 'An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal:'* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, so much of the said recited Act as makes it lawful for any Justice or Justices of the Peace to levy the penalty imposed upon persons convicted under the said Ordinance of being loose, idle and disorderly, by attachment of their several goods and chattels and sale thereof, in all and every the cases mentioned in the said Act, shall be and the same is hereby repealed: Provided always, that it shall be lawful for any Justice or Justices of the Peace, by whom any person shall be convicted under the said Ordinance of being loose, idle and disorderly, to adjudge that such person shall pay the penalty imposed by the said recited Act, either immediately or within such period as he or they shall think fit; and that in default of payment at the time appointed, he or she shall be imprisoned in the Common Gaol or House of Correction at hard labour, for any time not exceeding two calendar months, the imprisonment to cease upon payment of the sum due.

Preamble.

7 Vict. c. 21,
cited.

Part of the said
Act repealed.

Proviso.

SCHEDULE

SCHEDULE

Of all Acts or parts of Acts making special provision for the erection of or relating to any Municipal Corporation in Lower Canada.

LOCALITIES.	ACTS OR PARTS OF ACTS.	
CITIES....	Quebec.....	3 & 4 Vict. cap. 35 ; 8 Vict. cap. 60 ; 9 Vict. cap. 22 ; 14 & 15 Vict. cap. 130 ; 18 Vict. cap. 159 ; 23 Vict. (1858) cap. 30, and 22 Vict. (1858) cap. 63.
	Montreal.....	3 & 4 Vict. cap. 36 ; 14 & 15 Vict. cap. 123 ; 16 Vict. cap. 128 ; 18 Vict. cap. 162, and 23 Vict. cap. 72.....
	Three Rivers.....	20 Vict. cap. 129 ; 22 Vict. (1858) cap. 106, and 23 Vict. cap. 74.....
	St. Hyacinthe.....	20 Vict. cap. 131.....
TOWNS....	St. John's.....	22 Vict. (1858) cap. 106.....
	Sherbrooke.....	10 & 11 Vict. cap. 7, and Procl. of June 28, 1852.....
	Iberville.....	22 Vict. (1858) cap. 64.....
	Sorel.....	23 Vict. cap. 75.....
Terrebonne.....	23 Vict. cap. 76.....	
TOWNSHIPS	Cleveland.....	18 Vict. cap. 100, sect. 33, par. 11.....
	Franklin.....	20 Vict. cap. 120.....
	North Halifax.....	} 20 Vict. cap. 133.....
	South Halifax.....	
	East Chester.....	} 23 Vict. (1858) cap. 39.....
	West Chester.....	
Havelock.....	} 23 Vict. (1858) cap. 36.....	
Hemmingford.....		
County of Island of Orleans.....	18 Vict. cap. 100, sect. 7.....	
County Municipalities.....	} Registry Acts, * 18 Vict. cap. 99, and 23 Vict. cap. 59, sect. 25.....	
All Municipalities.....	Judicature Acts, 22 Vict. cap. 5, and 23 Vict. cap. 57.	

* *Vide* page 138.

INCORPORATED VILLAGES

IN

LOWER CANADA.*

Name of Villages.	In what County.	Under what Authority incorporated.	Date of Incorporation.
Arthabaskaville..	Arthabaska	22 Vict. (1858) c. 108.	Aug. 16, 1858.
Aylmer	Ottawa	8 Vict. c. 40, and Procl. of July 20, 1847.	July 20, 1847.
Beauharnois.	Beauharnois	8 Vict. c. 40, and Procl. of July 23, 1846.	July 23, 1846.
Berthier	Berthier	12 Vict. c. 123, and Procl. of April 14, 1852	Apr. 14, 1852.
Boucherville	Chambly	18 Vict. c. 100, and Procl. of June 9, 1856.	Jan. 1, 1857.
Buckingham.	Ottawa	10 & 11 Vict. c. 7, and Procl. of Feb. 13, 1855.	Feb. 13, 1855.
Chambly Basin. . . .	Chambly	10 & 11 Vict. c. 7, and Procl. of April 19, 1855.	Apr. 19, 1855.
Chambly Canton. . . .	Chambly	10 & 11 Vict. c. 7, and Procl. of Oct. 26, 1848.	Oct. 26, 1848.
Côte St. Louis. . . .	Hochelaga	8 Vict. c. 40, and Procl. of Oct. 14, 1846.	Oct. 14, 1846.
Côteau Landing. . . .	Soulanges	10 & 11 Vict. c. 7, and Procl. of Nov. 9, 1853.	Nov. 9, 1853.
Danville	Richmond	18 Vict. c. 100, and Procl. of Oct. 28, 1859.	Jan. 1, 1860.
Fermont	St. Maurice.	22 Vict. (1858) c. 109.	Aug. 16, 1858.
Fraserville	Temiscouata	10 & 11 Vict. c. 7, and Procl. of June 26, 1850.	June 26, 1850.
Granby	Shefford	18 Vict. c. 100, and Procl. of July 1, 1858.	Jan. 1, 1859.
Huntingdon	Huntingdon.	10 & 11 Vict. c. 7, and Procl. of Oct. 9, 1848.	Oct. 9, 1848.
Kamouraska	Kamouraska	18 Vict. c. 100, and Procl. of Sept. 23, 1857.	Jan. 1, 1858.
L'Assomption.	L'Assomption.	8 Vict. c. 40, and Procl. of April 8, 1846.	Apr. 8, 1846.
Laehne.	Jacques Cartier. . . .	10 & 11 Vict. c. 7, and Procl. of Aug. 24, 1848.	Aug. 24, 1848.
Laprairie.	Laprairie.	8 Vict. c. 40, and Procl. of March 30, 1846.	Mar. 30, 1846.
Longuenil	Chambly	10 & 11 Vict. c. 7, and Procl. of June 14, 1848.	June 14, 1848.
Marieville.	Rouville	18 Vict. c. 100, and Procl. of May 20, 1853.	Jan. 1, 1859.
Melbourne	Richmond	18 Vict. c. 100, and Procl. of Oct. 28, 1859.	Jan. 1, 1860.
Montmagny	Montmagny.	8 Vict. c. 40, and Procl. of Oct. 13, 1846.	Oct. 13, 1846.
Philipsburgh.	Missisquoi.	8 Vict. c. 40, and Procl. of Jan. 12, 1846.	Jan. 12, 1846.
Plessisville	Megantic.	10 & 11 Vict. c. 7, and Procl. of April 27, 1855.	Apr. 27, 1855.
Pointe Claire (St. Joachim de)	{ Jacques Cartier	10 & 11 Vict. c. 7, and Procl. of Sept. 2, 1854.	Sept. 2, 1854.
Princeville	Arthabaska	18 Vict. c. 100, and Procl. of Oct. 31, 1856.	Jan. 1, 1857.
St. Césaire.	Rouville	18 V. c. 100, and Procl. of Feb. 6, 1857, & 20 V. c. 41.	Jan. 10, 1857.
St. Eustache	Two Mountains. . . .	10 & 11 Vict. c. 7, and Procl. of Aug. 10, 1848.	Aug. 10, 1848.
St. Jérôme	Terrebonne.	18 V. c. 100, and Procl. of Feb. 29, 1856, & 19 V. c. 20.	July 1, 1856.
St. Ours	Richelieu.	8 Vict. c. 40, and Procl. of Feb. 6, 1847.	Feb. 6, 1847.
Ste. Geneviève.	Jacques Cartier. . . .	18 Vict. c. 100, and Procl. of June 9, 1859.	Jan. 1, 1860.
Ste. Rose.	Laval	18 Vict. c. 100, and Procl. of March 13, 1857.	Jan. 1, 1855.
Ste. Scholastique	Two Mountains. . . .	10 & 11 Vict. c. 7, and Procl. of May 18, 1855.	May 18, 1858.
Ste. Thérèse de Blainville.	{ Terrebonne.	10 & 11 Vict. c. 7, and Procl. of June 1, 1849.	June 1, 1849.
St. Michel de Vaudreuil	{ Vaudreuil.	10 & 11 Vict. c. 7, and Procl. of April 12, 1850	Apr. 12, 1850.
St. Remi	Napierville	18 Vict. c. 100, and Procl. of Oct. 28, 1859	Jan. 1, 1860.
Stanstead Plains.	Stanstead	18 Vict. c. 100, and Procl. of July 17, 1856.	Jan. 1, 1857.
Soulanges	Soulanges	10 & 11 Vict. c. 7, and Procl. of Oct. 1, 1852.	Oct. 1, 1852.
Varennes	Verchères.	10 & 11 Vict. c. 7, and Procl. of June 8, 1848.	June 8, 1848.
Victoriaville.	Arthabaska	23 Vict. c. 77.	

* Up to 19th of May, 1860.

Extracts from Acts relating to the Establishment of
Registry Offices in every Electoral County.

18 VICT.—CAP. XCIX.

Each Electoral County to be proclaimed a County for Registration when the Council shall have provided at the place where its sittings are held, a proper place for a Registry Office.

1. So soon as the Municipal Council of any Electoral County shall have fixed the place at which the Sittings of such Council shall be held, and shall have provided thereat a proper place for the County Registry Office, with a sufficient Metal Safe or fire-proof Vault for the safe keeping of the books and papers thereof, the Warden of the County shall represent the same to the Governor and upon the report of the Attorney or Solicitor General that the foregoing requirements have been complied with, the Governor shall, by Proclamation, declare the same, and such Electoral County shall be a County for Registration purposes under this Act, upon and after a day to be named in such Proclamation.

On such Proclamation the County to be a County for all the purposes of 4 V. c. 30.

Registry Office to be kept therein.

2. Upon and after the day named in such Proclamation, the Electoral County to which it refers, shall be a County for all the purposes of the Ordinance of the Governor and Special Council for the affairs of Lower Canada, passed in the fourth year of Her Majesty's reign, and intituled: *An Ordinance to prescribe and regulate the Registration of Titles to lands, tenements and hereditaments, real and immoveable estates, and of charges and incumbrances on the same, and for the alteration and improvement of the law in certain particulars in relation to the alienation and hypothecation of real estates, and the rights and interest acquired therein*, and of the Acts amending the same, and a Registry Office shall be kept for the purposes thereof in and for the said Electoral County at the place therein so provided as aforesaid, in which Office the Registration of all Deeds, Instruments and Documents affecting real property situate within such Electoral County shall be made, and all other things provided for by the said Ordinance and Acts, and having respect to such real property, shall be done: except only in so far as it is otherwise hereinafter provided.

23 VICT.—CAP. LIX.

Each Electoral County bound to become a Registration County before a certain time.

25. It shall be imperative upon the Municipal Council of every Electoral County, which has not become a County for Registration purposes, by complying with the requirements of the first section of an Act passed in the eighteenth year of Her Majesty's Reign, and chaptered ninety-nine, to comply with the same before the first day of January, one thousand eight hundred and sixty-one:

Provision if any County has not become a Registration

2. And if any County has not on the said day become a County for Registration purposes, the Governor may at any time thereafter issue a Proclamation declaring such County a County

County for Registration purposes, which it shall accordingly be from the day to be named for that purpose in such Proclamation; and if the Municipal Council of such County has not, before the said day, fixed the place at which its sittings shall be held, the Governor shall fix the same by such Proclamation, and the other provisions of the said Act shall apply to the place named in such Proclamation;

County before that time.

3. And if there be not, on the said first day of January one thousand eight hundred and sixty-one, at the *chef-lieu* or place where the Registry Office is to be kept in any such County as aforesaid, or in any County which has theretofore become a County for Registration purposes, under the said Act, or by virtue of any other Act, Proclamation or Law, a proper place for the County Registry Office, with a sufficient metal safe or fire-proof vault for the safe keeping of the Books and papers thereof,---the Governor shall direct the sum of three hundred pounds, appropriated by the one hundredth and sixth section of the Lower Canada Judicature Act of 1857, towards building or procuring a County Court House in such County, (or so much of the said sum as may then remain unexpended) to be applied towards the building or procuring of a proper place, with a metal safe or fire proof vault, for the Registry Office of the County;---and may also, by order in Council, direct any portion of the Registrar's fees, or any fees which he may direct to be taken for such purpose on services performed by the Registrar, be paid into the hands of such Officer as he may direct, for the purpose of forming (with the moneys aforesaid) a fund for building or procuring such accommodation for the Registry Office of the County;

Provision if proper vaults, &c., for Registry Office are not built in any place before that time.

Fund for payment of costs.

4. And whenever the said Fund shall be sufficient for the purpose, the Governor may cause such proper building as aforesaid, with a metal safe or fire-proof vault, to be built or procured at the place where the Registry Office is to be kept, and may pay for the same out of the said Fund; but if the Municipality of the County, or the Registrar thereof, shall have built or procured such building and accommodation as aforesaid, before they are built or procured by direction of the Governor, then the moneys forming the said Fund shall be paid over to such Municipality or Registrar (as the case may be), but if paid to the Municipality, they shall be applied towards building the County Court House, as provided by the Judicature Act of 1857.

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THE
LOWER CANADA
MUNICIPAL ACT

OF

1860.

23 VICT. CAP. 61.

WITH AN INDEX AND SYNOPSIS;

AND

A SCHEDULE

OF ALL ACTS OR PARTS OF ACTS MAKING SPECIAL PROVISION FOR THE
ERECTION OF OR RELATING TO ANY MUNICIPAL CORPORATION
IN LOWER CANADA.



QUEBEC:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1860.

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5. The Interpretation Act applies to this Act; and the following terms, whenever they occur in this Act, have respectively the following meanings, that is to say: Interpretation clause.

2. The term "parish" means not only any territory erected into a parish by civil authority, but applies, in like manner, to any part of a parish incorporated under this or any other Act, and also includes any extra-parochial place or part of a parish or part of a township annexed to a parish under this or any other Act, and the parish to which such extra-parochial place or part of a parish is annexed, conjointly,—and also includes a township annexed to a parish under this or any other Act, and the parish to which such township is annexed, conjointly; Parish.

3. The term "township" means not only any territory erected into a township, but applies in like manner to any part of a township incorporated under this or any other Act, and also includes any part of a township or parish annexed to a township under this Act, and the township to which such part of a township or parish is or shall be annexed, conjointly,—and applies also to two townships annexed to each other for municipal purposes conjointly; Township.

4. The term "municipality" means any territory incorporated under this, or any other Act; Municipality.

5. The term "county municipality" means a county incorporated under this, or any other Act; County municipality.

6. The term "local municipality" means any territory incorporated under this, or any other Act, except a county, and applies equally to parish, township, town and village municipalities; Local municipality.

7. The term "county council" means the municipal council of a county, incorporated under this, or any other Act; County Council.

8. The term "local council" means the municipal council of a local municipality; Local Council.

9. The term "chief officer" applies equally to the warden of a county and to the mayor of a local municipality; Chief Officer.

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