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No. 90.

5th Session, 8th Parliament, 29-30 Vic., 1866.

BILL.

An Act to incorporate the Town of St. Ours.

Received and read, first time, Friday, 2nd
June, 1866.

Second reading, Monday, 25th June, 1866.

Mr. PERRAULT.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO., SALLY ST.

An Act to incorporate the Town of St. Ours.

WHEREAS, from the increase of the population of the Village of Berthier, the provisions of the Municipal Acts do not suffice to enable the inhabitants thereof to carry out the improvements which they are desirous of making; and whereas the Municipal Council of the said village has represented that it is necessary that more ample provisions be made in that behalf, and that the said village be incorporated as a town, under the name of the Town of St. Ours; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

10 **1.** From and after the passing of this Act, the inhabitants of the Town of St. Ours, as hereinafter described, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the Mayor and Council of the Town of St. Ours, and separated from the County of Richelieu, for all municipal
15 purposes; and by the same name they and their successors shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the same at their will and
20 pleasure; and shall be in law capable of receiving by donation, acquiring, holding and departing with any property, real and moveable, for the use of the said town; of becoming parties to any contracts or agreements in the management of the affairs of the said town; and of giving or accepting any notes, bonds, obligations, judgments or other
25 instruments or securities, for the payment of, or securing the payment of, any sum of money borrowed or loaned, or for the execution of any duty, right or thing whatsoever.

2. The said town of St. Ours shall be bounded on the north-west by the river Richelieu, and in the rear to the south east by a line drawn
30 at the extremity of the emplacement of the said town hereinafter described, on the north-east side by the north-east line of the domain of Madame de St. Ours, and on the south-west by the north-east line of the farm of Léon Chapdelaine, Esquire, commencing at the said north-east line of the domain of Madame de St. Ours aforesaid, on the side
35 nearest to the south-east bank of the River Richelieu; thence running from the said line towards the south-east six arpents and one perch to the rear of the south east line of the said town; thence towards the south west, across the said domain and along the emplacement aforesaid, seven arpents three perches and six feet, more or less, to the north-
40 east line of Léon Chapdelaine aforesaid; thence towards the north-west along the said line, six arpents and three perches, more or less, to the bank of the river aforesaid; thence towards the north-east along the said river to the point of departure, containing one hundred and eight arpents and ninety-nine perches, the said boundaries and limits of the
45 said town being the same as those established by proclamation of the Governor of this Province, dated the sixteenth day of February, in the

year of our Lord one thousand eight hundred and forty-seven, erecting the former Village of St. Ours ;

2. And the said town shall be divided into three wards: the north east ward, the centre ward, the south west ward; and the north east ward, and the south west ward, shall each be represented by two councillors, 5 and the centre ward by three councillors. The limits of the north east ward shall be from the north east line of the domain of Madame de St. Ours, to the south west line of the land of the Fabrique, from the river Richelieu to the boundary line of the said town in the rear; the centre ward shall commence at the said line and shall extend upwards 10 to a parallel line passing through the centre of St. Sacrament street, from the said river Richelieu to the boundary line of the said town in the rear, including that part of the property of Zephirin Marchesseault, which is situated within the limits of the said town; the south west shall commence at the said last mentioned line, and shall extend to the south 15 west limits of the said town.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, nine fit persons, two each for the north east and south west wards, and three for the centre ward, who shall be and be called the Councillors for the town of St. Ours; and such Councillors for the 20 time being shall form the Council of the said town, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the Town of St. Ours.

4. No person shall be capable of being elected Councillor of the Town of St. Ours, unless he shall have been a resident householder 25 within the said town for one year before such election, nor unless he be possessed to his own use, in his own name, or in the name of his wife, of real estate, within the said town, of the value of three hundred dollars, after payment or deduction of his just debts;

2. No person shall be capable of being elected Councillor of the said 30 Town of St. Ours, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years;

3. No person being in Holy Orders, or the Ministers of any religious belief whatever, the Members of the Executive Council, nor Judges of the Court of Queen's Bench or of the Superior Court, Sheriffs or officers 35 of any of the said Courts, nor officers on full pay in Her Majesty's army or navy, nor salaried civil officers, nor any person accountable for the revenues of the said town, or receiving any pecuniary allowance from the town for his services, nor any person who shall have been convicted of treason or felony in any Court of law within any of Her 40 Majesty's dominions, nor any person having in person or through his partners any contract whatever, or interest in any contract with or for the said town, shall be capable of being elected Councillor for the said town; provided always, that no person shall be held incapable of being elected Councillor for the said town, from the fact of his being a share- 45 holder in any incorporated Company, which may have a contract or agreement with the said town;

4. The following persons shall not be obliged to accept the office of Councillors of the said town, nor any other office to be filled by the Council of the said town, viz.: Member of the Provincial Legislature, 50 practising Physicians, Surgeons and Apothecaries, Schoolmasters actually engaged in teaching, persons over sixty years of age, and the Members of the Council of the said Town, who have been so within the last two years; and the persons who shall have fulfilled any of the offi-

ces under such Council, or paid the penalty incurred for refusal to accept such office, shall be exempt from serving in the same office, during the two years next after such service or payment.

5. The persons entitled to vote at the Municipal Elections of the said town shall be the male inhabitant freeholders and householders of the age of twenty-one years, and residing therein, possessed at the time as proprietors by themselves or their wives of real property in the said town, and who have been so for at least six months, and tenants of the age of twenty-one years, who shall have resided in the said town, and
 10 paid rent during the year immediately preceding the election, on a dwelling-house, or part of a dwelling-house, at the rate of not less than twelve dollars per annum; provided always, that no person qualified to vote at any Municipal Election in the said town, shall have the right of having his vote registered, unless he shall have paid his Municipal
 15 and School taxes due before such election; and it shall be lawful for any candidate at the said election, and the persons presiding over the said election, to require the production of the receipts setting forth the payment of such assessments so due as aforesaid.

6. The Councillors of the said town, who are at present in office,
 20 shall remain in office until the elections, which are to take place by virtue of this Act, and all by-laws, ordinances, agreements, dispositions and engagements whatever, passed and entered into by the Municipal Council of the village of St. Ours, shall continue to have full and entire force to all intents and purposes as though this Act had never been
 25 passed, and until such time as the said by-laws, agreements or engagements shall be formally rescinded, abolished or fulfilled, and the said corporation, as constituted under this Act, shall succeed and be substituted for all purposes whatsoever, in the engagements, rights and trusts of the Municipal Council of the village of St. Ours, as heretofore con-
 30 stituted.

7. The Municipal elections for the said town, shall be held in the month of January in each year, and public notice thereof shall be given at least eight days previous to such election in the French language, by notices posted up at the door of the church of the Parish of St. Ours,
 35 and in the market of the said town, and read at the door of the said church, at the issue of Divine service in the morning of Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the present Mayor of the village of St. Ours, or in his absence by the Registrar of the county of Richelieu,
 40 and shall specify the day, the place and the hour upon which such election shall be held in each of the wards of the said town; and for all subsequent elections, the said notice shall be signed by the Mayor or the Secretary-Treasurer of the town, and shall specify in like manner the day, place and hour upon which the said elections are to take
 45 place in each of the wards of the said town.

8. Before the publication of the notice announcing such election, the present Council of the village of St. Ours, for the first election to take place in the month of January next, and afterwards the Council of the said town, for subsequent elections, shall appoint one of their number
 50 to preside at and to conduct such election, and shall specify the places where it shall be held in each ward; such Councillor having under him a deputy, appointed and paid by the council, for each of the wards of the said town; such deputies shall have the qualifications necessary to entitle them to vote at such election, and if they think fit, it shall be
 55 lawful for them to have a poll-clerk, whom they shall appoint by a writing under their hand; and the polls shall be open for the reception and registration of votes from nine of the clock in the forenoon until four of the clock in the afternoon of the day appointed for the said elec-

tion, provided the election shall not have taken place by acclamation ; and at the said election each elector shall vote in the ward in which he resides at the time of such election; and at the closing of the poll, the deputy in each ward shall declare the two, or three persons, according to the ward in which he shall act as deputy, who shall have obtained 5 the greatest number of votes to be duly elected Councillors of the said town, and in case the candidates have an equal number of votes, the deputy acting at the poll shall give his casting vote ;

2. If the votes of all the electors present have not been polled by the hour of four in the afternoon of the first day of said meeting, the deputy 10 in each ward shall adjourn the proceedings thereof to the hour of nine 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 four in the afternoon of the second day, and shall then declare duly elected Councillors, such of the candidates as shall be entitled to be so declared 15 elected ;

3. Provided always, that 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 elapse without any vote being polled, it shall be the duty of the deputy in each ward to close the said election and declare 20 duly elected as Councillors, such candidates as shall be entitled to be so declared elected ; Provided also, that no person shall have been, within the last hour, prevented from approaching the poll by violence, of which notice shall have been given to the person presiding ;

4. The Councillors elected at any of the municipal elections shall 25 remain in office during two years ;

5. The subsequent annual elections of Councillors for the said town shall take place in the same manner and within the same delays as the first ;

6. Before proceeding to the holding of any election in virtue of this 30 Act, each deputy or poll-clerk shall take the following oath which the Councillor presiding, or any other Councillor, or any Justice of the Peace, residing in the said town, is hereby empowered to administer, viz. :

“ I do solemnly swear that I will, to the best of my judgment and ability, faithfully and impartially perform the duties of deputy-re- 35 turning officer (*or of poll-clerk*) at the election, which I am about to hold, of a person or persons to serve as Councillor for the Ward (*as the case may be*) of the said Town of St. Ours. So help me God.”

7. The Councillors presiding and each deputy at any Municipal 40 election in the said town, shall, during such election, be conservators 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 and convicting violators of the law and disturbers of the peace, as are vested in the Justice of the Peace, and this, whether the 45 said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law, and it shall be lawful for the person presiding at an election to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary, or be required so to do by five electors. 50

9. The person presiding at any election shall, within two days

from the closing of the election, give to each of the Councillors so elected, special notice of his said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Councillors so elected shall enter respectively into office as such at the said first meeting, and shall remain in office until the appointment of their successors;

2. The person presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the poll books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same certified by the Secretary-Treasurer, shall be valid in any Court of Justice;

3. In every election held in virtue of this Act, the poll-books containing the names of the voters and other matters shall be attested under oath by each of the deputies, who shall have presided at such election in the several wards of the said town, each of the said deputies attesting his own poll-book before the Councillor presiding at such election or any Justice of the Peace residing in the said town; and such presiding Councillor or Justice of the Peace is hereby authorized to administer such oath, and the said oath shall be in the form following, and shall be written in whole or in part on the last page of the said poll-book, containing the names of the electors:

"I, A. B., swear that the poll-book kept by me at the Municipal election for the ward of the Town of St. Ours is true and correct to the best of my knowledge and belief. So help me, God."

And the said poll-books so sworn to shall be deposited in the office of the Secretary-Treasurer of the said town by each of the said deputies within the three days next after such election;

4. The first session of the Council, after the first election, shall take place within fifteen days immediately following the said election, and at such meeting the Councillors elected shall take the following oath before a Justice of the Peace:

"I, A. B., do solemnly swear faithfully to fulfil the duties of member of the Council of the Town of St. Ours to the best of my judgment and ability. So help me, God."

And the members then present, provided they form a majority of the Council, shall at once proceed to elect from among themselves, by a majority of the votes of the members present, a Mayor for the said town, who shall remain in office for the time for which he was elected Councillor; and immediately after, they shall be authorized to act as the Council, and all members absent without just cause shall be held to have refused the office, and shall be liable to the fine hereinafter provided for in like cases, unless they be persons who are exempted from serving;

5. The Councillors elected at the elections subsequent to the first, shall enter office on the day of their nominations, and a meeting of the Council shall take place within fifteen days after, in the same manner as after the first election, and the Councillors elected shall take the

same oath and shall proceed to the election of the Mayor as aforesaid, and those absent without just cause shall be held to have refused the office, and shall be liable to the penalty hereinafter provided in such cases, unless they be persons who are exempted from serving;

6. Four members of the Council shall constitute a quorum; 5

7. The expenses of every election shall be defrayed out of the funds of the Corporation.

10. In any case in which one of the persons so elected shall refuse to act as Councillor, or in case his election, being contested, shall be declared null, the electors of the town shall proceed to a new election, 10 and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null; and if the election shall have been declared null, the electors of the town shall proceed to a new election for such Councillor, and in the case the poll shall be held at a 15 place fixed by the said Council, in the ward of the said town in which such vacancy shall have occurred, and the said election shall be conducted in the same manner as in ordinary elections;

2. In case of the death of a Councillor, or in case of his absence from the town, or incapacity of acting as such, either from infirmity, 20 sickness, or any other cause, during three calendar months, the other Councillors, at the first meeting of the Council which shall take place after such decease, or at the expiration of the said period of three months, shall appoint from amongst the inhabitants of the town another Councillor to replace the Councillor so deceased, absent, or 25 rendered incapable, as above mentioned; and in case the votes of the said Councillors are equally divided in the appointment of a person to replace a Councillor, the election shall proceed in the manner mentioned in the preceding paragraph; provided, however, that notwithstanding the decease, absence, or inability to act of the said Councillor, the re- 30 maining Councillors shall continue to exercise the same powers and fulfil the same duties which they would have had to exercise or fulfil had not such decease, absence, or inability to act on the part of the said Councillor, taken place;

3. Every Councillor elected or appointed to replace another, shall 35 remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

11. Before any person shall proceed to hold an election in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said town is hereby authorized to administer, 40 that is to say:

“I do solemnly swear that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of presiding officer at the election which I am about to hold for persons to serve as members of the Town Council of St. Ours: So help me, God.” 45

12. The officer presiding at any election under this Act, and his deputies shall have authority, and they are hereby required, at the request of any persons qualified to vote at such election, to examine upon oath (or affirmation, when the party is allowed by law to affirm) any candidate for the office of member of the said Town Council, respecting his quali- 50 fication to be elected to the said office; and shall also have authority,

and they are hereby required, upon such request as aforesaid, to examine upon oath (or affirmation) any person tendering his vote at any election, and the oath to be administered by the presiding officer in both cases shall be in the form following :

5 "You swear that you will true answer make to all questions put to you by me in my capacity of presiding officer at this election, respecting your qualification to be elected a member of the Town Council (or respecting your qualification to vote at this election, *as the case may be*) : So help you God."

10 And the presiding officer shall himself put the questions which he shall deem necessary.

13. If any person being examined upon oath or affirmation under this Act, as to his qualification to be elected or to vote, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt per-
15 jury, and, on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury.

14. The said Town Council shall meet at least once in each month for the transaction of the business of the said town, and shall hold their sittings in the Town Hall or in any other place in the said town which
20 shall have been set apart for the purpose, either temporarily or permanently ; Provided always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance
25 of absent members at the regular or adjourned meetings as aforesaid, and to impose such penalties upon such absent members for a repetition of the offence, as might be imposed by the said Town Council in the like case.

15. It shall be lawful for the Mayor of the said town, whenever he
30 shall deem it necessary or useful, to call special meetings of the said Council, and whenever two members shall be desirous of obtaining such special meetings, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating in writing to the Secretary-Treasu-
35 rer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, communicate the same to the other members of the Council.

16. If the election of all, or of one or more of the Councillors, be
40 contested, such contestation shall be decided by the Circuit Court in and for the County of Richelieu.

2. Every such election may be contested by one or more of the candidates, or at least ten of the electors of the said town ;

3. The said contestation shall be brought before the Court, by a pe-
45 tition signed by the petitioner or petitioners, or by any Attorney duly authorized, setting forth in a clear manner the grounds of such contestation ;

4. A true copy of the petition, with a notice stating the day on which
50 the said 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 said petition shall be presented to the Court; and a return of the service shall be drawn up and signed in due form upon the original of the said petition, by the Bailiff who shall have made such service; but no such petition shall be received after the term next following the election thereby contested, unless 5 such election took place within the fifteen days next preceding the first day of such term, in which case any such petition may be presented on the first day of the second term, but no later; nor shall any such petition be received unless security for costs be given by the petitioners in the presence of a Judge of the Superior Court, or of the Clerk of the 10 Circuit Court for the said County of Richelieu, or his Deputy;

5. If the Court be 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, if proof be necessary, and the parties interested to be heard, on the nearest day which it shall deem expedient, and shall proceed in a 15 summary manner to hear and decide the said contestation; the evidence may be taken down in writing or given orally in whole or in part, as the Court shall order;

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 20 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, with the right of appeal brought in such Circuit Court; and the Court may order its judgment to be served upon the Secretary- 25 Treasurer of the Council, at the expense of the party condemned to payment of costs, as aforesaid;

7. If any defect or irregularity in the formalities prescribed for the said election be set forth in any such petition, as a ground of contestation, the Court may admit or reject the same, according as such defect 30 or irregularity may, or may not, have materially affected the election.

17. In case it shall, at any time, happen that an election shall not be held, for any reason whatever, on the day when, in pursuance of this Act it ought to have been held, the said Town Council shall not, for that cause be deemed to be dissolved, and it shall be the duty of such 35 members of the said Council as shall then be in office, to meet again for the purpose of fixing, as early as possible, a day for the holding of such election: and in such case the notices and publications required by this Act shall be published and posted up not less than one clear day before the election; and if within fifteen days after the day on 40 which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Clerk of the Circuit Court in and for the County of Richelieu, and in his absence by the Registrar of the County of 45 Richelieu.

18. All meetings of the said Council shall be public, excepting only when the said Council shall enquire into the conduct of any members of their own body for any causes whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; and the said Council 50 shall determine the mode of their proceedings.

19. The Mayor of the said town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion, but not to vote, on all questions which

shall be brought before the council ; Provided always, that when the said councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by his vote, giving his reasons for it if he thinks proper ;
 5 and neither the Mayor nor the councillors shall receive any salary or emoluments from the funds of the town during the time they shall remain in office ; Provided also, that whenever the Mayor shall not be present at any regular or special meeting of the said Town Council, the councillors present shall choose one of their number to fill the place of
 10 the Mayor during the sitting.

20. 1. The council, at its first general meeting or at a special meeting held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the " Secretary-Treasurer of the Town of St. Ours ;"

15 2. The Secretary-Treasurer shall be the custodier of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the council ; he shall attend all sessions and shall enter, in a register kept for the purpose, all the proceedings of the council, and he shall
 20 allow persons interested therein to inspect the same at all reasonable hours ; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, shall be deemed authentic ;

25 3. Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned ;

4. He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such ; such sureties shall be jointly and severally bound together with the Secretary-
 30 Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may at any time be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office ;

35 5. Every such security bond shall be made by an act before a Notary and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same ;

6. Every such security bond, when duly registered in the registry office for the County of Richelieu, shall carry with it a hypothec
 40 (*hypothèque*) only on such immovable property as shall have been 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 ;

7. The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys
 45 all drafts or 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, whenever thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer unless the same shall show sufficiently the use to be made of the
 50 sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

8. The Secretary-Treasurer shall keep, in due form, books of account,

in which he shall respectively enter each item of receipt and expenditure according to dates, mentioning at the same time 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 in his office the vouchers for all expenditure ; 5

9. The Secretary-Treasurer shall render to the Council every six months, that is to say, in the months of June and December in each year, or oftener, if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

10. The Secretary-Treasurer's books of account and vouchers shall, 10 at all reasonable hours of the day, be open for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed, or to any person liable to assessment in the town ;

11. The Secretary-Treasurer, or any other person, who shall have filled the said office, may be sued by the Mayor in the name of the 15 Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, 20 together with such other sums as he ought to have debited himself with, or as the Court shall think 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 the costs of suit ; 25

12. Every such judgment shall carry *contrainte par corps* against the said Secretary-Treasurer, according to the laws in force in like cases in Lower Canada, if such *contrainte* be demanded in the action to compel the rendering of the said account ;

13. The Council shall have power and authority to appoint such 30 other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council ;

14. Every municipal officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor, if he be then elected or appointed, or if 35 not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;

15. If any such officer die or absent himself from Lower Canada, without having delivered up all such moneys, keys, books, papers and 40 insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor within one month from his death, or from his departure from Lower Canada ;

16. And in every such case, the successor in office of every such officer shall, besides all other legal remedies, have a right of action before 45 any Court of Justice, 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, together with costs and damages in favor of the Corporation ; and every judgment rendered in every such action may be enforced by 50 *coxtrainte par corps* against the person condemned, according to the

laws in force in such cases in Lower Canada, each time the said *contrainte* is demanded by the declaration.

21. The said Town Council shall have power, whenever they may deem it advisable, to appoint three assessors or valuers of property to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

22. Every person so appointed assessor shall be bound, before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit:

“I, _____, having been appointed one of the assessors of the Town of St. Ours, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability: So help me, God.”

23. The assessors who shall be appointed for the said town shall be proprietors of real estate in the said town of the value of at least four hundred dollars.

24. When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice of an election of Councillors; And at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and if they desire it, examined by the Councillors; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting; and during that period it shall remain open to the inspection of all persons whose property shall have been estimated, or their representatives; and within that period, persons considering themselves aggrieved may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for two years; unless, however, from the number of appeals, the Council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; Provided always, that if, after the said assessment roll shall have been declared closed as aforesaid, any property in the said town should suffer any considerable diminution in value, either through fire, demolition, accident, or any other reasonable cause, it shall be lawful for the said Council, upon the petition of the proprietor, to instruct the assessors to reduce their valuation of such property to its then actual value; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll; and provided also, that the said assessors shall, when directed by the said Council, make a yearly valuation of the stocks of merchandize held in the said town.

25. At the first meeting after each annual Municipal Election, two

persons shall be appointed by the said Town Council to be Auditors of the accounts of the said Council; and such Auditors shall take the following oath, before any one of the Justices of the Peace residing in the said town, that is to say:

"I, _____, having been appointed to the office of Auditor 5
 "of the Town of St. Ours, do hereby swear that I will faithfully per-
 "form the duties thereof according to the best of my judgment and
 "ability; and I do declare that I have not, directly or indirectly, any
 "share or interest whatever in any contract or employment with, by,
 "or on behalf of the Town Council of the said Town of St. Ours. So 10
 "help me, God." -

26. It shall be the duty of the Auditors to examine, approve or dis-
 approve of and report upon all accounts which may be entered in the
 books of the said Council or concerning them, and which may relate
 to any matter or thing under the control of or within the jurisdiction 15
 of the said Town Council, and may then remain unsettled; and to
 make their report to the Council of the said town at least fifteen days
 before the day of the election.

27. The Auditors who shall be appointed for the said town shall be
 proprietors of real estate therein of the value of at least two hundred 20
 dollars; provided always that neither the Mayor, Councillors, nor
 Secretary-Treasurer of the said town, nor any person receiving any
 salary from the said Council, either for any duty performed under
 their authority, or on account of any contract whatsoever entered into
 with them, shall be capable of discharging the duties of Auditor for 25
 the said town.

28. The Mayor of the said town shall, during the period of his
 office be *ex-officio* a Justice of the Peace for the said town.

29. Every person holding the office of Councillor of the said town, 30
 who shall be declared a bankrupt, or shall become insolvent, or who
 shall apply for the benefit of any of the laws made for the relief or
 protection of insolvent debtors, or who shall enter into holy orders, or
 become a minister of religion in any religious denomination, or who
 shall be appointed a Judge or Clerk of the Court of Queen's Bench, 35
 or of the Superior Court, or a Member of the Executive Council, or
 who shall become responsible for the revenues of the town, in whole
 or in part, or who shall absent himself from the said town, without
 the permission of the said Council, for more than two consecutive
 months, or who shall not be present at the meetings of the said Coun- 40
 cil for a period of three consecutive months, without the permission of
 the Council shall, by virtue of any one of these causes, become disquali-
 fied, and his seat in the said Council shall become vacant, and such
 person shall be replaced in accordance with the provisions of this
 Act; provided always that the word "Judge" employed in any part of 45
 this Act shall not apply to a Justice of the Peace.

30. It shall be lawful for the said Town Council, from time to time,
 to make such by-laws as may seem to them necessary or expedient for
 the internal government of the town, for the improvement of the place,
 for the maintenance of peace and good order, and for the good repair, 50
 cleansing and draining of the streets, public squares, and vacant or
 occupied lots; for the prevention and suppression of all nuisances
 whatsoever, for the maintenance and preservation of the public health,
 and generally for all purposes connected with, or affecting the internal

management or government of the said town ; and all the powers conferred by the Municipal Act of Lower Canada of one thousand eight hundred and sixty, and the Acts amending the same, upon any Municipal Council, and upon the Councillors and Officers thereof, not incompatible with this Act, are conferred upon the Corporation of the Town of St. Ours, the Municipal Council, the Councillors, and the Officers of the said Corporation.

31. It shall be lawful for the said Town Council to appoint, remove, and replace, when they shall think proper, all such officers, constables, and policemen, as they shall deem necessary for the due execution of the by-laws now in force, or to be by them enacted hereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet to ensure the due execution of their duties.

32. In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary and advantageous public improvements of the said town, the said Town Council shall be authorized to levy annually on persons, and on movable and immovable property in the said town, the taxes hereinafter designated, that is to say :

1. On all lands, town lots and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections thereon, a sum not exceeding one cent on the dollar on their whole value, as entered on the Assesment Roll of the said town ;

2. On the following movable property, a sum not exceeding one half of a cent in the dollar on the value herein specified ;

Every horse, kept for covering mares, shall be rated at four hundred dollars ;

Every horse kept for hire or gain, at sixty dollars :

Every horse above the age of three years, and kept for domestic purpose, at forty dollars ;

Every bull, at fifty dollars ;

Every ram, at twenty dollars ;

Every head of horned cattle, aged two years and more, at twenty dollars ;

Every covered carriage, with four wheels, at two hundred dollars ;

Every open carriage, with four wheels and two seats, at eighty dollars ;

Every curricule or light waggon, with one seat, at forty dollars ;

Every two-horse sleigh, at eighty dollars ;

Every one-horse sleigh, at forty dollars ;

Provided always, that every winter or summer vehicle, used solely for drawing loads, and all vehicles commonly called draught or work vehicles, at well as all farm stock, and all implements used for agricultural purposes, shall be exempt from any tax whatever ;

3. On all stocks in trade or goods kept by merchants or traders, and exposed for sale on the shelves in shops or kept in cellars or store-houses, a tax of one-half per cent, on the estimated average value of such stocks in trade ;

4. On each tenant paying rent in the said town, an annual sum equivalent to three cents in the dollar on the amount of his rent ;

5. On each male inhabitant of the age of twenty-one years, who

shall have resided in the said town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar.

6. On every dog kept by persons residing in the said town, an annual sum of one dollar ;

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7. And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ;—and on pedlers and itinerant traders selling, in the said town, 10 articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements of any kind whatsoever ;—and on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers 15 and distillers ;—and on all merchants and manufacturers, and their agents ;—and on all proprietors or keepers of wood-yards or coal-yards, and slaughter-houses, in the said town ;—and on all money-changers, or exchange-brokers, pawn-brokers, and their agents, and on all bankers and banks, and their agents, and on all insurance 20 companies or their agents ;—and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said town, whether the same be or be not mentioned herein ; and the workmen of all mechanical arts and trades, exercised in the said town, shall be 25 divided into first and second classes, by the person appointed by the said Town Council to make the roll of movable property, and shall be assessed at one dollar per annum for those of the first class ; and at twenty-five cents for those of the second class ; and every person in the said town, practising the profession of a Lawyer, or of a Physi- 30 cian, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually : and the said Town Council may name a person or persons to make a roll of the person and movable property mentioned in the different parts of this section.

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8. And the said Council shall also have the power to fix the amount of personal commutation, that is to say : of the sum to be payable by each person liable to assist in keeping the streets and sidewalks of the said town in repair, and to refuse the labor of such person in keeping the same in repair, if the said Council should 40 prefer to charge itself therewith : Provided always, that every such sum demanded for personal commutation shall be equitably established in proportion to the work to be done, and that by arbitration, if the parties concerned require it ;

9. And the said Town Council shall also provide, by resolution, for 45 the advantageous investment or deposit, either in sayings banks or in public securities or otherwise, of any balances of money remaining in their hands, in order to create therefrom a revenue for the said town.

33. The said Council shall also have power to make By-laws : 50

1. For the concession of lots, and for opening new streets in the said Town, to such extent as may, from time to time, be required, and upon such conditions as the Council may deem proper, any law to the contrary notwithstanding ;

2. For determining and regulating the duties of the clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling, upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale on the said market; and for fixing the duties to be paid upon waggons, carts, sleighs, boats, canoes and vehicles of all kinds in which articles may be exposed for sale in a public market, or in a street, or on the beach bordering on such town, or on that part of the river forming the front boundary of the said town, and to determine the manner in which such vehicles shall be placed for such purposes;
3. For amending, modifying, or repealing all By-laws made by the Municipal Councils who have the management of the internal affairs of the said town;
4. For regulating and placing all vehicles, in which any article shall be exposed for sale on the said markets;
5. For preventing persons bringing provisions of any kind into the said town from selling or exposing them for sale in any other place than the markets of the said Town;
6. For regulating the weighing and measuring of all cordwood, coals, salt, grain, lime and hay, brought into or sold in the said town, by strangers or persons residing therein; and for authorizing the seizure and confiscation of all grain, meat, flour, butter, potatoes and other vegetables, fruits, articles and things brought into the said town for sale or otherwise, in consequence of any defect in weight, measure or quality, or for any other good and sufficient cause, and also for determining the manner in which all such articles exposed for sale in contravention of the said By-laws shall be disposed of after confiscation;
7. For determining in what manner the said articles and all others shall be sold and delivered, whether by quantity, measure or weight, and for obliging all persons to observe, in the above matters, the By-laws which the said Council shall hereafter deem useful to establish;
8. For preventing obstructions of any nature whatsoever in streets;
9. For preventing the sale on the public highway of any wares or merchandize whatsoever;
10. For restraining or prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquor, or for authorizing such sale, subject to such restrictions as they may deem expedient;
11. For determining under what restrictions and conditions the Revenue Inspector shall grant Licenses to Merchants, Traders, Shopkeepers, Tavern-keepers, and other persons to sell such liquors;
12. For fixing the sum payable for every such license, provided

that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force;

13. For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness; 5

14. For preventing the sale of intoxicating beverage to any child apprentice, or servant;

15. For preventing the driving of vehicles at an immoderate pace in the said town, or riding on horseback on the sidewalks of the said town; or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight; 10

16. For regulating the sale and weight of bread, and the seizure, forfeiture and confiscation of all such bread so exposed for sale contrary to the said By-laws, or which may be of light weight or unwholesome; and for regulating the manner in which it shall be disposed of after confiscation; and for that object, for authorizing officers and persons to enter into bakers' shops or other places, and to stop vehicles carrying bread, for the purpose of examining and weighing the same, and for doing any other necessary act or thing which may be considered advantageous for the public benefit and safety, the attaining of such object, or the carrying out of such By-laws; 20

17. For regulating the conduct and certain duties of apprentices, domestics, hired servants and journeymen in the said town, and also certain duties and obligations of masters and mistresses towards such servants, apprentices and journeymen; 25

18. To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said town; 30

19. To establish as many public pounds as the said Council shall deem expedient to open, for the impounding of animals of any species running at large in the said town;

20. For regulating, arming, lodging, clothing and paying a Police Force in the said town, and for determining their duties; 35

21. For fixing and regulating the places where burials may take place within the said town; for compelling the removal of bodies which shall have been interred contrary to this section; Provided always, that this section shall not be deemed to extend to prevent burials in the churches of the said town; 40

22. To compel the proprietors of all land and real property within the said town, or their agents or representatives, to enclose the same; and to regulate the height, description and material of every such enclosure; and to make footways, if the Council should think fit to do so; 45

23. To compel the proprietors or occupants of lots of land in the said town, having stagnant or filthy water upon them, to drain or raise

such lands, so that the neighbors may not be incommoded nor the public health endangered thereby; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said town, it shall be lawful for the said Council to order the said lands
5 to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council in improving such lands shall remain as a
10 special hypothec on such land, and have privilege over all other debts whatsoever, without it being necessary to register the same;

24. To oblige all proprietors or occupants of houses in the said town, to remove from the streets, all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other obstacles whatsoever;
15 ever;

25. To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from all streets all sheds, stables, and other outbuildings erected on the
20 line of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne;

26. For regulating the width of streets now open, or to be opened hereafter in the said town; for regulating and altering the height or
25 the level of any street or sidewalk in the said town; Provided that if any person shall suffer any damage by the widening, lengthening or altering the level of any street in the said town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it;

27. For defraying, out of the funds of the said town, the expenses of furnishing the citizens with water, and of lighting the town with gas, or in any other manner, and for obliging the proprietors of real property in or outside the said town to allow the necessary works to be performed for such objects on their respective properties, and for ob-
35 liging all proprietors in the said town to allow the necessary pipes, lamps and posts to be fixed upon their houses; Provided always that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council; and provided also, that the solidity of the buildings on and near to which they shall be
40 so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council, and that every proprietor shall be indemnified by the said Council;

28. For assessing the proprietors of real property situate on any of the streets of the said town, for such sums as shall be deemed necessary for the making or repairing of any common sewer in any of the streets of the said town, such assessment being in proportion to the assessed value of such property; and for regulating the mode in which such assessment shall be collected and levied;

29. For assessing, at the request of a majority of the citizens residing in any of the streets or public squares of the said town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such

street, lane or public place, such assessment being in proportion to the assessed value of their property ;

30. For raising all sums necessary for aiding in the construction, maintenance and repair of roads leading to the said town, and of bridges and other public works outside the limits of the said town ; and for making improvements in the navigation of the river forming the front boundary of the said town, and for appropriating to such purposes the moneys of the said town, and any sums in their hands derived from the Municipal Loan Fund, for whatsoever purpose the same may be destined ; 5 10

31. For assessing over and above all other rates specially established by this Act, all the citizens of the said town, to meet the expenses of any indemnity which the said Council may be obliged to pay to persons in the said town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly ; 15 and if the said Council shall neglect or refuse, within six months after such destruction or damage, caused to any property in the said town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice in this Province ; 20

32. To fix the place for the erection in the said town of any manufactories or machinery worked by steam ;

33. For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties intrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases ; for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the town from any contagious disease, or for diminishing the effects or the danger thereof. 25

34. For preventing and restraining all games with cards or dice or other games of chance, with or without betting, in any licensed or unlicensed hotel, eating-house, tavern or shop in the said town ; 30

35. For preventing and prohibiting any riot or tumult, disturbance or disorderly assembly, and punishing the authors thereof ; and for giving power and authority to enter into all shops, taverns, hotels, and other houses or places of public entertainment, licensed or not licensed in the said town ; 35

36. For finding out and arresting on the spot, such persons as shall be found playing, either at cards, dice, or other games of hazard, or engaged in cock-fights, or dog-fights, in such places, contrary to any by-law prohibiting such things, or making, causing or creating any tumult, riot, disturbance or disorder therein ; 40

37. For obliging all persons to remove the snow, ice or filth from the saide-walks and from the roofs of buildings possessed or occupied by them, and also the snow and ice from the street, and for punishing them for failing to do so ; 45

38. For preventing and forbidding the obstruction of the streets, squares or sidewalk by carries, carts, sleighs, wheelbarrows, boxes, wood, or any other nuisance or material whatsoever ;

39. For prohibiting or for licensing or regulating the selling or hawk- 50

ing of fruits, cakes, refreshments, jewelry and merchandize of all kinds in or along the streets, public places and sidewalks of the said town;

40. For obliging the proprietor or occupant of every grocery, cellar, candle or soap factory, tannery, stable, barn, privy, drain, garden, field, yard, passage or vacant lot, or any other place that may be unwholesome, or fetid, to cleanse and purify it, or even to remove it, or to cause it to disappear as far as may be necessary for the health, comfort and convenience of the inhabitants of the said town;

41. For preventing any person from bringing into or depositing or leaving within the limits of the said town, or in the river forming the front boundary of the said town, any dead body or carcass, or other deleterious substance, and for causing the same, together with any matter on the point of becoming unwholesome, to be removed by the proprietor or occupant of any place where they may be found, and in his default to authorize the removal or destruction of the same by some officer of the town, and to recover the expense of such removal or destruction from the person refusing or neglecting to remove or destroy the said substance;

42. For regulating and preventing the allowing of dogs to go at large in the said town, and for authorizing the destruction of all dogs wandering at large in contravention of any By-law in the said town;

43. For establishing a tariff of the fines and duties which shall be paid at the public pounds which now exist or which shall hereafter be established in the said town;

44. To control and regulate hucksters and persons who buy articles brought to the said town, in order to sell them again, and for imposing duties and taxes on them for carrying on their business;

45. For regulating, cleaning, repairing, mending, altering, opening, widening, narrowing, straightening or discontinuing the streets, squares, lanes, highways, bridges, side-walks, crossings, drains and sewers, and all natural water-courses in the said town; and for preventing their being encumbered in any way, and protecting them from encroachment and injury, and also for settling the direction of all natural water-courses running through private property in the said town; and for regulating every thing on this subject whether the said water-courses be or be not covered. It shall also have power to regulate the mode of planting, rearing and preserving ornamental trees in the streets and public places of the said town;

46. For regulating the way in which horses shall stand at rest or, be tied in the streets or upon sheds in the said town;

47. For preventing or regulating bathing and swimming in the River forming the front boundary of the said town;

48. For regulating and preventing the firing of guns, pistols and other fire arms, and preventing the making of bonfires and firing off of rockets and crackers.

49. For the better protection of the lives and property of the inhabitants of the said town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say:

1. For regulating the construction, dimensions, height and elevation of chimneys above the roof, or even in certain cases above the neighboring houses and buildings; and at whose costs such chimneys shall be raised, and within what delay they shall be raised or repaired;

2. For defraying, out of the funds of the said town, any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effectual for preventing accidents by fire, or arresting the progress of fires; 5

3. For preventing thefts and depredations which may be committed at any fire in the said town, and for punishing any person who shall resist or maltreat any member or officer of the said Council in the discharge of any duty assigned to him by the said Council under the authority of this section; 10

4. For establishing, or authorizing and requiring to be established after each fire in the said town, a judicial inquiry into the cause and origin of such fire; for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses, and examine them on oath, which oath shall be administered to them by any members of the said Council or of such Committee; and the said Council or Committee may also deliver over to be imprisoned, in the common gaol of the district, any person against whom well-grounded cause of suspicion may be found of his having maliciously originated the said fire; 20 25

5. For regulating the manner in which, and the periods of the year when chimneys shall be swept, and for granting licenses to such number of chimney sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said town to allow their chimneys to be swept by such licensed chimney sweeps; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons refusing to allow their chimneys to be swept or whose chimneys may have caught fire after any refusal to allow them to be swept, such penalty to be recovered before any Justice of the Peace; and whenever any chimney which shall have caught fire, as aforesaid, shall be common to several houses, or be used by several families in the same house, the said Justice of the Peace shall have power to impose the above penalty in full on each house or family, or to divide the same among them in proportion to the degree of negligence shown on proof before him; 30 35 40

6. For regulating the manner in which ashes or quick lime shall be kept in the said town, and for preventing the inhabitants of the said town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their house to their yards and out-buildings, and entering therein with lighted candles not enclosed in lanterns; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire; 45

7. For regulating the conduct of all persons present at any fire in the said town; for obliging idle persons to assist in extinguishing the fire, or in saving effects which may be in danger, and for obliging all the inhabitants of the said town to keep at all times upon and in their houses, ladders, fire-buckets, battering rams and fire-hooks, in order more easily to arrest the progress of the fires; 50 55

8. For defraying out of the funds of the said town any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ who shall have received any wound or contracted any severe disease at any fire in the said town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said town.

9. For vesting in such members of the Council or in the Fire Inspectors, or both, to be designated in such By-laws, the power of ordering to be demolished, during any fire, any houses, buildings, out-houses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said town;

10. For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said town;

11. For authorizing such officers as the Council shall think fit to appoint for that purpose, to visit and examine, at suitable times and hours, both the inside and outside of all houses and buildings of any description within the said town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said town, to admit such officers for the purpose aforesaid.

35. Whenever an assessment or assessments and taxes are imposed by the Town Council, the Secretary-Treasurer shall immediately prepare his collection roll for the town, and shall enter thereon the name of each person assessed, whose name shall be on the assessment roll, the value of the real property belonging to each person, as specified by the assessment roll, and the amount of movable property for which such person is liable to taxation; and he shall, in like manner, calculate and enter the several assessments payable by such person, either in virtue of a By-law, or otherwise, and the total amount in which each person is indebted; and when the Secretary-Treasurer shall have completed his collection roll, he shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following Sunday, that the collection roll is completed and deposited in his office, and that all persons therein mentioned liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice;

2. If at the expiration of the said twenty days there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of the assessments due by such person in arrears, and at the same time, and by a notice annexed to the said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon;

3. The provisions of the preceding sub-section shall not apply to persons residing beyond the limits of the said town, who shall be bound to pay their assessments within the thirty days next after the public notice in this section mentioned, without its being necessary to make any demand for payment, either personally or at their domicile.

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4. If any person residing in the town neglects to pay the amount of assessments imposed upon him, for a period of thirty days after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor authorizing the seizure and sale of the goods 10 and chattels of the person bound to pay the same, or of all goods and chattels in his possession, wherever they shall be found, within the limits of the said town, addressed to one of the sworn bailiffs for the district of Richelieu, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary 15 manner, and no claim founded on a right of ownership or privilege upon the same shall prevent the sale, or the payment of the assessments and expenses out of the proceeds of such sale.

36. Every tax or assessment imposed by virtue of this Act, upon any property or house in the said town may be recovered, either from 20 the proprietor, or from the tenant or occupier of such property or house; and if such tenant or occupier be not bound by lease or other stipulation to pay such tax or assessment, such tenant or occupier may and shall be entitled to deduct the sum so paid by him, out of the rent which he would have to pay for the possession of such property; 25

2. Whenever the Town Council shall have passed any By-law or By-laws directing work to be done within the said town, or in any part thereof, and any proprietor shall be unable, from absence, poverty, or any other cause, to perform the said work, it shall be lawful for the said Council to cause the work which such proprietor may be bound under 30 such By-laws to perform, to be done, and in all cases the sum so expended by the Council shall remain a lien upon the property, as a special and privileged hypothec in preference to all other debts whatsoever, and shall be recoverable in the same manner as the taxes due to the said Council, with interest at the rate of eight per cent. 35

3. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the town, shall not reside within the said town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of two years, then it shall be lawful for the said Town 40 Council, without having obtained a judgment before any Court of Justice, to sell and dispose of such property by public sale, or so much thereof, as shall be judged sufficient for the payment of the sum due, with costs; and the Secretary-Treasurer, after having been authorized by a resolution passed by the said Town Council, may and shall, with 45 the view of effecting such sale, prepare, on or before the fifteenth day of the month of November, according to such authorization, a statement of all the assessments and taxes remaining unpaid upon the collection rolls for two years and over, with the particulars therewith connected, including the amount or balance due upon all judgments obtained 50 against such person as proprietor or occupant of such land, or otherwise within the limits of the said town, either for taxes or for penalties due and incurred under this Act; and in such statement he shall shew, opposite to each debt, the reason 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, giving the name of the street and the number of the lot, or the bounds, limits, and abuttals thereof, in respect of which, such assessments or other debts are due ;

4. And after having completed the said statement of assessments and debts due on the collection rolls, at the time and in the manner aforesaid, the Secretary-Treasurer of the said town shall cause to be inserted at least three times in the course of the month of December or January following, in at least one newspaper published in the district of Richelieu, or in an adjoining district, if there be none published in the former, an advertisement in the French and English languages containing a list of all the lots or parcels of land respectively upon which the assessments, debts, or other claims in the said statement mentioned, remain due, shewing opposite the designation thereof, whether by the name of the street and the number of the lot, or by the bounds, limits, and abuttals thereof, the amount to be raised for the discharge of such assessments and claims, including all expenses and costs, then known, established and fixed by the tariff made by the Council of the said town, and announcing that all such lots or parcels of land, together with the buildings thereon, if such there be, will be publicly sold and adjudged to the last and highest bidder, on such a day in the month of February or March following, at the place at which the sittings of the said Town Council shall for the time be held, to obtain payment of such assessments and other claims ; and he shall also give notice of each sale, in the manner required before proceeding to the election of Councillors for the said town : every such notice shall specify the place, the day and the hour at and on which such sale will commence ; and all the lots so announced for sale in the town may be included in one and the same statement, and one and the same advertisement.

5. The lands, movables or effects to be sold in virtue of the provisions of this Act, for the payment of taxes or other claims, shall be offered for sale at public auction ; but they shall be exempt from auction duties, and it shall not be necessary that they shall be sold by a licensed auctioneer.

6. At and on the place, day, and hour fixed for the sale of the lots or parcels of land, the Secretary-Treasurer shall employ, to effect such sale, a bailiff residing in the said Town of St. Ours, who shall be specified to him by the said Council ; Provided always, that all proprietors of real property, sold under the authority of this Act, shall be entitled to resume such property within one year from the day of such sale on paying to the purchaser the entire amount of the purchase money with legal interest thereon, and the amount of the necessary outlay made on such real property, by order of the said Council in virtue of this Act ; upon the condition, however, that such purchaser shall have maintained the said property in the same state and condition in which it was at the time of the purchase, and shall neither have stripped it nor allowed it to deteriorate ; and, moreover, the costs incurred in making such sale, and ten per cent., besides the interest, both on the amount of the purchase money and on the outlay aforesaid ; provided also, that if, after such sale of property, any surplus of money remains over and above the amount due to the said Council for assessment and costs, the said Secretary-Treasurer shall deposit such surplus, to whatever sum it may amount, in the funds of the said town as a loan, at interest at the rate of ten per cent. per annum, until such money is demanded or reclaimed by those to whom it belongs, to whom such money shall be paid ; if, however at the time of the sale there exist any charge and hypothecary and privileged claim on

the land sold, in whole or in part, the said Council, after having ascertained the fact by the certificate of the Registrar of the County of Richelieu, and after the expiration of the delay hereinbefore granted for the redemption of such land, shall by preference apply the said surplus money, both principal and interest, after deducting the costs incurred 5 by the Council, to the discharge of the said claims and charges, according to their respective order of priority in conformity with the law; and then if any money still remains, it shall be returned and paid to the person or persons who were proprietors of the land at the time of sale, or to such other persons as may be entitled thereto; but in case 10 contestations should arise among the hypothecary creditors, and any doubt should exist as to their respective rights of priority or privileges, or between the latter or any of them, and the proprietor of the land sold with respect to such claims or charge, the said Council shall be entitled to retain, in whole or in part the surplus remaining after the 15 sale, after the said assessments and debts owing to the Corporation shall have been discharged, together with the costs incurred as aforesaid, until the rights of the parties shall have been decided upon by a Court of competent jurisdiction.

7. If the highest bidder does not, upon the day of sale, pay the 20 amount of the purchase-money, the Secretary-Treasurer shall adjourn the sale until another day, not later than one week, by giving to all persons present notice of the adjournment of the sale in loud and intelligible language, and on the day of the sale so adjourned, the Secretary-Treasurer shall again offer the real property for sale, and shall sell 25 it in whole or in part, unless, in the interval, the first purchaser shall have paid the amount of all assessments and claims owing upon the real property.

8. Upon payment by the highest bidder of the amount of the purchase money, the Secretary-Treasurer shall give him a certificate under 30 his hand, specifying the particulars of the sale, and the highest bidder shall then be seized of the lot or parcel of land adjudged, and may take possession thereof.

9. Every such certificate shall be in duplicate; one duplicate shall be given to the person who shall have paid the purchase money, and the 35 other shall remain of record in the office of the Secretary-Treasurer.

10. Every such certificate or a copy thereof, certified by the Secretary-Treasurer, shall be evidence of the payment therein mentioned, and after having been registered at the office of the proper Registrar, shall insure to the person therein mentioned, his heirs, and 40 assigns, a privilege and hypothec, taking precedence over all other claims against the lot or parcel of land so sold, for the reimbursement of the sum which shall be therein specified, with interest at the rate of six per centum per annum, reckoning from the date of the certificate, except over *cens et rentes* or *rentes constituées* representing *cens et rentes* 45 as provided by the Consolidated Seigniorial Act and the Acts amending the same.

11. If, at the expiration of one year from the day of adjudication, the real property so adjudged has not been redeemed as hereinbefore mentioned, then the Secretary-Treasurer shall, on the application of 50 the highest bidder, his heirs, representatives or assigns, and on proof of the payment of the arrears of all other assessments which shall have become payable in the interval, execute, in due notarial form, a contract

of sale conveying, in the name of the corporation of the town, the property so adjudged to the highest bidder, his heirs or assigns.

12. Such contract of sale shall be a translatory title to such real property, and shall convey to the highest bidder not only all the primary rights of property, but shall also have the effect of liberating such real property from all privileges and hypothecs whatsoever with which it may be charged, with the exception of *cens et rentes* or *rentes constituées* representing *cens et rentes*, as provided by the Consolidated Seigniorial Acts and the Acts amending the same.

10 **37.** The Town Council shall also have power to make by-laws for the following purposes .

1. For founding, establishing and regulating a town gaol or lock-up house for the confinement, from time to time, of persons transgressing the by-laws of the said Council, or found guilty of vagrancy or other 15 misdemeanors.

2. To regulate and specify the direction of watercourses coming from other municipalities and passing within the limits of the said town.

38. The said Council shall have power to remit to indigent persons assessed under this Act, a portion or even the whole of the amount due 20 for assessment in certain cases of fire, which the said Council shall deem reasonable and sufficient.

39. If any person shall transgress any order or rule or by-law made by the said Town Council, under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such order, 25 rule or by-law, with the costs, to be allowed by the Justices of the Peace who shall try such offence, in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, to be levied on the goods and chattels of the offender; the offender shall be liable to be committed to the common gaol of the district, for a term 30 not exceeding one month, but which may be less in the discretion of the Court; no person shall be deemed an incompetent witness upon any information under this Act by reason of his being a resident of the said Town of St. Ours; provided always, that the information and complaint for any breach of any order or by-law of the said Town Council shall 35 be made within three months next after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence which shall be less than one dollar nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting 40 such imprisonment shall be borne by the said Town Council; and the said Council shall also have power to punish, by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the markets or in the streets of the said town, and infringing at the same time the by-laws of the said Council, as regards the weight and quality of 45 such goods, articles and provisions.

40. All the debts hereafter due to the said Town Council for all taxes or assessments imposed on movable or immovable property in the said town, by virtue of this Act, shall be privileged debts, and shall be paid in preference to all other debts, and the said Town Council 50 shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; provided that such privilege shall only apply to assessments which have become due within two years, and

no longer; and provided also that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

41. All the fines and penalties recovered under the provisions of this Act shall be paid into the hands of the Secretary-Treasurer of the said Town Council, and the proceeds of all licenses granted under this Act shall form part of the public funds of the town, unless otherwise provided by some other Provincial Act or Statute. 57.

42. Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language, by reading the same at the door of the Church of the Parish of St. Ours, in the said District of Richelieu, on the two Sundays next after the passing of such By-law, and by posting up a copy thereof in two of the most public places in the said town. 10.

43. It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said town, for the purpose of building one or more market-houses, or for draining the streets, or for furnishing the said town with water, and generally for such purposes as the said Council shall deem useful or necessary. 20.

44. Whenever the said Council shall contract loans upon the credit of the said town, they shall be bound and they are hereby required to provide immediately for the payment of the annual interest upon such loans, which annual interest shall not in any case exceed the legal rate of interest in this Province; and the said Council shall set aside a portion of their revenues for the payment of such interest; and the said Council shall also, whenever they shall contract a loan, provide out of their revenue for the establishment of a Sinking Fund, which Sinking Fund shall consist of a deposit made in a Savings Bank, annually and at the periods when the interest on the said loan shall be paid, of a sum equivalent to a proportion of at least two per centum on the capital to be paid off; and the sum arising annually from the Sinking Fund shall remain deposited in such Savings Bank, with the interest which may accrue thereon, until it shall be equal to the total amount of the capital to be paid off; Provided always, that when the interest and Sinking Fund united shall absorb one-half of the annual revenues of the said Council, then, and in such case, it shall not be lawful for the said Council to contract new loans, it being hereby intended that the said Council shall not be entitled to devote to the interest and Sinking Fund of their loans any sum exceeding half of their revenues; and provided also, that it shall be lawful for the said Town Council, if the lenders consent or require it, to deposit in the hands of such lenders, instead of in a Savings Bank, the annual sums which shall have been agreed upon to form the Sinking Fund; in which case, the receipts given to the said Council shall be so drawn up as to define what amount shall have been paid on account of interest, and what amount shall have been paid into the Sinking Fund. 25.
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45. It shall be lawful for any constable to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and such person shall be brought before the Mayor or other magistrate, to be dealt with according to law. 55.

46. Every person who shall assault, beat, or forcibly resist any constable or peace officer, appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat, or forcibly resist such officer or constable, every such offender shall, upon conviction thereof before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars, or to imprisonment not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary: Provided always, that it shall be lawful for the said Council or any such officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

47. The following property shall be exempt from taxation in the town of St. Ours:

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person, in trust for the service of Her Majesty, Her Heirs, and Successors.

2. All Provincial property and buildings.

3. Every place of public worship, presbytery and its dependencies, and every burying-ground;

4. Every public school-house and the ground on which the same is constructed;

5. Every educational establishment and the ground on which the same is constructed;

6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments;

48. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding; and such certificates shall be signed by the Mayor, and the Secretary-Treasurer of the said Council, and sealed with the common seal of the said Council.

49. If any action or suit shall be brought against any person for any matter or thing done by virtue or in pursuance of this Act, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

50. It shall be lawful for the said Town Council to order the Inspector of the said town to notify any parties who shall have made or shall hereafter make encroachments upon the streets or public squares of the said town, by means of houses, fences, buildings, or obstructions of any kind, to cause the removal of such encroachments or obstructions, giving to such persons a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector in giving his notice; and if such persons shall not have removed such encroachments or obstructions within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

51. From and after the passing of this Act, every proprietor or agent, who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant, who shall present to the assessors of the said town such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars or less, or to imprisonment during one calendar month or less, according to the judgment of such Mayor or Justice of the Peace. 5 10

52. It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said town, to prevent the proprietor of such house from rebuilding on the site occupied by the demolished house; and it shall be lawful for the Council to purchase such part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third, and the said arbitrators, having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration. 15 20 25

53. The said Council shall have full power to purchase and acquire out of the revenues of the said town, all such lots, lands, and real property whatsoever within the said town, as they shall deem necessary for the opening or enlargement of any street, public square or marketplace, or the erection of any public building, or generally for any object of public utility of a municipal nature. 30

54. When the proprietor of a lot, which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics, idiots, or wives *sous puissance de maris*, the said Council, after sufficient notice given to the said proprietor, may apply to the Circuit Court sitting in and for the County of Richelieu, or to any other Court, for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and such arbitrators, before proceeding to such valuation, shall give to the said Council and the said proprietor sufficient notice of the day, hour and place when they will proceed to such valuation and the hearing of the parties in the case; and when the said arbitrators shall have made their report to the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators in the hands of the Clerk of the said Circuit Court, or of the Prothonotary of the Superior Court in and for the District of Richelieu, for the use of the person entitled thereto; and if no such person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Clerk or Prothonotary, to claim the sum so 35 40 45 50 55

deposited, it shall be lawful for the said Clerk or Prothonotary, and he is hereby required, to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said town to pay the same.

55. Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say:

15 The office of Mayor, thirty dollars:
The office of Councillor, twenty dollars:

2. Whenever the valutors 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 Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars for each day, which shall elapse between the expiration of the said period of three months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed;

3. Every member of the Council, every officer appointed by such Council, every Justice of the Peace and every other person, who shall refuse or neglect 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;

4. Any person who shall vote at any election of 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 not exceeding twenty dollars;

5. Every inspector or officer of roads, who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar, unless some other and heavier penalty be by law imposed on him for such offence;

6. Every person, who shall hinder or prevent, or attempt to hinder or prevent any officer of the Council 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, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars, for every such offence, over and above any damages which he may be liable to pay;

7. Every person who shall wilfully tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council 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.

56. All the penalties imposed by this Act, or by any By-law made

by the Council, may be recovered before the Circuit Court in and for the County of Richelieu or before any Justice of the Peace residing in the said town by a suit or action brought by the Mayor or a Councillor in the name of the Corporation ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court. 5

57. This Act shall be deemed a Public Act.